

To: Councillor McElligott (Chair);  
Councillors Brock, Eden, Ennis, Gavin,  
Hoskin, Jones, Livingston, McKenna,  
O'Connell, Pearce, Robinson, Stanford-  
Beale, Vickers and J Williams.

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10 March 2017

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**NOTICE OF MEETING - ADULT SOCIAL CARE, CHILDREN'S SERVICES AND EDUCATION COMMITTEE - 20 MARCH 2017**

A meeting of the Adult Social Care, Children's Services and Education Committee will be held on **Monday 20 March 2017 at 6.30pm** in the **Council Chamber**, Civic Offices, Reading.

**AGENDA**

	<b>WARDS AFFECTED</b>	<b>PAGE NO</b>
1. DECLARATIONS OF INTEREST Councillors to declare any disclosable pecuniary interests they may have in relation to the items for consideration.		
2. MINUTES OF THE MEETING OF THE ADULT SOCIAL CARE, CHILDREN'S SERVICES AND EDUCATION COMMITTEE HELD ON 13 DECEMBER 2016		1
3. MINUTES OF OTHER BODIES - Children's Trust Partnership Board - 10 January 2017		17
4. PETITIONS Petitions submitted pursuant to Standing Order 36 in relation to matters falling within the Committee's Powers & Duties which have been received by Head of Legal & Democratic Services no later than four clear working days before the meeting.		-

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5.	QUESTIONS FROM MEMBERS OF THE PUBLIC AND COUNCILLORS		-
	Questions submitted pursuant to Standing Order 36 in relation to matters falling within the Committee's Powers & Duties which have been submitted in writing and received by the Head of Legal & Democratic Services no later than four clear working days before the meeting.		
6.	DECISION BOOK REFERENCES		-
	To consider any requests received by the Monitoring Officer pursuant to Standing Order 42, for consideration of matters falling within the Committee's Powers & Duties which have been the subject of Decision Book reports.		
7.	PRESENTATION BY THE HEADTEACHER OF CRANBURY COLLEGE	BOROUGHWIDE	-
8.	SCHOOLS IMPROVEMENT STRATEGY	BOROUGHWIDE	21
	A report providing the Committee with a summary update on the progress of improving pupil achievement and attainment in Reading's schools.		
9.	PROGRESS OF THE REGIONAL ADOPTION AGENCY	BOROUGHWIDE	25
	A report providing the Committee with an update on the status of the new Adopt Thames Valley Regional Adoption Agency (RAA) and identifying the current status of the project and the current implications for the Council.		
10.	CHILDREN'S SERVICES IMPROVEMENT BOARD - REPORT OF THE INDEPENDENT CHAIR	BOROUGHWIDE	29
	A report to the Committee from the Independent Chair of the Children's Services Improvement Board (CSIB).		
11.	ADULT CARE AND SUPPORT CHARGING AND FINANCIAL ASSESSMENT FRAMEWORK 2017/18	BOROUGHWIDE	34
	A report detailing the proposed changes to the Adult Care and Support Charging and Financial Assessment Framework in light of the associated Consultation and Equalities Impact Assessment.		
12.	STATUTORY ADVOCACY SERVICES FOR ADULTS	BOROUGHWIDE	55
	A report proposing the re-commissioning of three types of statutory advocacy provision under a single contract,		

setting out the rationale for this approach from a customer perspective and as an efficiency measure.

13. COMMUNITY SUPPORT FOR MENTAL HEALTH & WELLBEING (ADULTS) 2017-18      BOROUGHWIDE      60

A report presenting the Committee with a series of proposals for providing community support for adult mental health and wellbeing in 2017-18.

14. NEW DIRECTIONS SERVICE UPDATE      BOROUGHWIDE      83

A report highlighting the sustained improvement in outcomes and value for money that New Directions, the Council's adult learning and employment service, has delivered over recent years, including increased sustained positive destinations for learners.

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**Present:** Councillor McElligott (Chair)  
Councillors Eden, D Edwards, Ennis, Gavin, Hoskin, Jones, Livingston, McKenna, Pearce, Robinson, Stanford-Beale, Vickers and J Williams.

**Apologies:** Councillor O'Connell.

**35. MINUTES**

The Minutes of the meeting held on 3 October 2016 were confirmed as a correct record and signed by the Chair.

**36. MINUTES OF OTHER BODIES**

The Minutes of the following meeting were submitted:

- Children's Trust Partnership Board - 12 October 2016

Councillor Gavin informed the Committee that Councillor O'Connell had been unable to attend meetings of the Partnership Board and requested that the Conservative and Green Groups discuss their representation on the Board.

**Resolved -**

- (1) That the Minutes be noted;
- (2) That the Conservative and Green Groups discuss their representation on the Children's Trust Partnership Board.

**37. QUESTIONS FROM MEMBERS OF THE PUBLIC AND COUNCILLORS**

Questions on the following matters were submitted, and answered by the Lead Councillors:

<b>Questioner</b>	<b>Subject</b>
Councillor Josh Williams	Arthur Hill Pool
Leslie Macdonald	Short Breaks
Ramona Bridgman	SEND Transport
Ben Cross	Short Breaks
Ben Cross	Children's Centres
Alice Carter	Short Breaks

(The full text of the questions and replies was made available on the Reading Borough Council website).

### 38. SCHOOLS FOR SANCTUARY

Zainab Koroma, Deputy Chair Reading City of Sanctuary, gave a presentation on Schools for Sanctuary. A bid had been launched in October 2014 for Reading to become a City of Sanctuary, an organisation that aimed, in each city, to build a culture of hospitality for people who sought sanctuary in the UK and to increase awareness about facts and issues affecting sanctuary seekers. One of the objectives of the organisation was to support local schools to work towards schools for sanctuary status and also to promote positive stories about sanctuary seekers and to dispel myths and promote the work of City of Sanctuary. The presentation set out how schools could achieve Schools of Sanctuary status and stated that the Schools of Sanctuary programme could contribute towards education standards, equality and diversity through Personal, Social and Health Education, Social and Emotional Aspects of Learning outcomes, the Children's Services Improvement Plan and the Standing Advisory Council on Religious Education (SACRE).

Resolved -

- (1) That the presentation be noted;
- (2) That Zainab Koroma be thanked for her presentation.

### 38. SCHOOL PERFORMANCE 2015-2016

The Director of Children, Education and Early Help Services submitted a report providing the Committee with the provisional performance of schools in Reading for the academic year 2015-2016 at the following five Key Stages:

- Early Years Foundation Stage (Reception Year Children)
- Key Stage 1 (Years 1 and 2)
- Key Stage 2 (Years 3 to 6, ending with SATs)
- Key Stage 4 (end of compulsory secondary age, typically GCSE qualifications)
- Key Stage 5 (end of sixth form education, typically GCE A Level)

The report stated that the 2015-16 provisional results had shown continued progress towards the targets that had been set within the Raising Attainment Strategy, which was being driven by the School Improvement Team. The Borough's schools had been working with a specific focus to reduce the performance gaps in a number of groups as relevant to the individual school. Comparisons with the national picture would not be released until spring 2017.

The authority had continued to improve the proportion of schools judged to be good or outstanding, with an increase from 77% at the end of July 2015 to 83% by October 2016.

The report stated that the Council was responsible for ensuring that all pupils in the Borough could and did access education. For maintained schools, that included the responsibility and authority to intervene as required. For academy schools the authority had no power of intervention but was expected to challenge any underperformance and, if necessary, report unresolved concerns to the Regional

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School's Commissioner, with whom the Council had a continuous dialogue through the Sub Regional Board.

Resolved -

- (1) That the levels of performance at each of the five stages as set out in section 4 of the report be noted and all of the pupils who had worked hard in the last academic year, along with staff in Reading's schools be congratulated;
- (2) That the evidence of accelerated improvements over time in all phases be noted, although further improvement was required to secure the absolute level of achievement set out in the Raising Attainment Strategy, particularly in relation to those who were most vulnerable;
- (3) That Reading's absolute level of attainment in both the primary and secondary phase being above the national average levels be noted;
- (4) That the increasing proportion of schools that were achieving judgements of Good or Outstanding from Ofsted be noted.

### 39. SCHOOL IMPROVEMENT FRAMEWORK

The Director of Children, Education and Early Help Services submitted a report providing the Committee with an overview on the framework that the School Improvement Team was undertaking to work with schools towards a self-improving school system. A copy of the School Improvement Framework document was appended to the report.

The report detailed the authority's categorisation process and explained that there were four categories: System Leaders (S), Strengthening Good Schools (G), Raising Achievement Schools (R) and Schools in a Category (C). An initial category was shared with each school at the start of the autumn term for the following year and where midyear changes were made. Where schools had been categorised as R or C, the school's SPA would arrange a visit to the school to collect additional information and discuss the issues of concern with the Headteacher. The school was required to work with the authority to develop a Raising Achievement Plan or, where a school was subject to Special Measures, a Statement of Action. Authority categorisation R and C would trigger an entitlement package of support that would be designed to accelerate improvement; this would be planned in collaboration with the school, the implementation of which was overseen by the school's SPA. A school would be expected, with support, to demonstrate significant improvement and to move out of a category of concern within a year. A Governing Body would also request authority intervention and any request would be reviewed by the Strategic Lead for School Improvement. A flowchart had been included in the report that outlined the process.

The report stated that there had been no clear and transparent process in relation to the categorisation of schools in September 2015. Headteachers were unaware of the criteria used to arrive at the categorisation and there were no published

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criteria behind each categorisation. Discussions about the categorisation made on a school did not take place before they were informed of which category the school had been placed in.

Schools and Headteachers had been consulted on the Framework in order to finalise the document and this had also been scrutinised by the lead Inspector for the region. School Partnership Advisers (SPA) were meeting with Headteachers and Governors during the current term to discuss the categorisation after the summer 2016 meeting of the School Monitoring Group.

Resolved -

- (1) That the processes within the school improvement framework be approved;
- (2) That the process within the framework on the categorisation of schools be approved;
- (3) That the continued focus on ensuring that all schools were at least good and focus remained on the more vulnerable learners be supported.

#### 40. EARLY YEARS SERVICE 2016/17

The Director of Children, Education and Early Help Services submitted a report providing the Committee with an update on the priorities of the Early Years' Service 2016/17.

The report explained that the Childcare Act 2016 had taken forward the Government's commitments to secure an additional entitlement of childcare support for working parents. This extended the current universal entitlement for all three and four year olds to 570 hours a year of early education/childcare. The new entitlement of an additional 570 hours a year would bring their entitlement to 1,140 hours per year for three and four year olds in families where all parents were working.

The Childcare Act 2006 had required local authorities in England to ensure a sufficiency of childcare for working parents, parents studying or training and for disabled children. Childcare sufficiency related to the provision of registered childcare for children aged 0 to 14 years old and up to and including 17 years old for children with Special Educational Needs (SEN) and Disabilities (SEND). The childcare sufficiency duties included the requirement to shape and support the development of children in the area and to make it flexible, sustainable and responsive to the needs of the community. There was also a duty on local authorities to provide information, advice and assistance to parents and prospective parents relating to the provision of childcare, services or facilities that might be of benefit to parents and prospective parents, children and young people. This had been strengthened by the Childcare Act 2016. The Family Information Service undertook this role.



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Alongside the introduction of the Childcare Act 2016 there were a number of additional policy initiatives that would impact on the early years and childcare provision, these included the following:

- National Living Wage;
- Automatic enrolment for employees pensions from April 2016;
- Tax free childcare;
- 30 hours childcare;
- National Early Years Funding Formula;
- Right to Request;
- Changes to universal credit.

The impact of these changes had been considered and included in the changes to the national funding formula and the development of the 30 hours entitlement.

The report included a summary of priorities for the Early Years' Service in 2016/17 that included: the Early Years Foundation Stage Profile, 30 hours childcare, national early years funding formula, right to request, the Family Intervention Service and consultations.

Resolved - That the report be noted.

#### **41. PROGRESS WITH RAISING YOUTH PARTICIPATION AND REDUCING NEET**

The Director of Children, Education and Early Help Services submitted a report setting out the continued progress against the ambition to increase the participation of young people and reduce the published Not in Education, Employment or Training (NEET) statistics.

The report explained that the 2015 Department of Education (DfE) NEET data had reported the percentage of Reading's 16 to 18 year olds not in education, employment or training as 8.1%, a decline of 1.8% from 2014. The 2016 DfE NEET data had reported the percentage as 4.7% an improvement of 3.4% from 2015. 2016 had seen a 2.7% improvement in 16 and 17 year olds participating in education or training rather than just moving from NEET into work with training. It had also seen a 3.2% improvement in 16 and 17 year olds who had been made an offer of an education place under the September Guarantee.

Activities that had been carried out to achieve these improvements had included:

- The appointment of a 14 to 19 Participation Advisor;
- Performance Management rather than contract management of the Council's Information, Advice and Guidance (IAG) provider Adviza;
- A NEET Governance Group;
- Partnership working between the Department of Children, Education and Early Help Services and Elevate Reading to establish a NEET Operational Group;
- Sharing the Risk of NEET indicators report with Reading College.

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The report explained that the DfE had recently changed the reporting requirements for local authorities to report on its young people. From September 2016 the upper age limit of the cohort of young people to be included in the data submission had changed. Authorities would only be required to include information about young people up to the end of the academic year in which they had their eighteenth birthday. In addition from September 2016 the NEET and Not Known figures would be combined, this would be calculated by the DfE and sent back to the authority on a monthly basis. The new combined figures would only report on years 12 and 13.

The report stated that it was clear that following the cessation of the Berkshire Framework Agreement, the Council needed clarity as to the long term intentions for commissioning the IAG service. A review was being conducted by the 14 to 19 Participation Advisor, supported by contracts, commissioning and Elevate Berkshire, to determine the long term commissioning strategy. The strategy would include an investigation on the validity of an internal or external service and would seek to understand better the commissioning and procurement approaches of local authorities across the country.

Resolved -

- (1) That the continued progress of increasing participation of the Borough's young people and reducing the NEET statistic be noted;
- (2) That the changes to the way that DfE tracked and recorded data relating to young people be noted;
- (3) That the steps being taken to reduce the cost of the IAG service while maintaining an effective and efficient service be noted.

#### 42. HOME TO SCHOOL TRANSPORT

The Director of Children, Education and Early Help Services submitted a report on the outcomes of the school transport consultation and to seek views on the proposed changes. A proposed draft of the revised appeal process was appended to the report.

The report stated that the aim of the proposals was to streamline the procedures, to ensure greater efficiency of the process and to reduce the overall cost of home to school transport arrangements. The consultation period had been from 16 June to 16 August 2016 and there had been three proposed changes on which views had been sought:

- Withdrawal of free transport on denominational grounds;
- Changes to the Transport Appeal process;
- Changes to the payment of Transport arrangements for young people over 16 and children under five who had Education, Health and Care Plans or Statements of SEN.

Proposal 1 - The report explained that as it was not a legal duty to provide free transport, the Council was proposing that the current arrangement would cease from July 2017. This would generate a saving of £20k per annum. All children who

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currently received free transport would continue to do so until either the end of year 6 for primary pupils or the end of year 11 for secondary pupils.

Proposal 2 - The adoption of the new DfE guidance which would mean the introduction of a revised appeal process.

Proposal 3 - The Council was proposing to seek contributions towards the cost of travel to and from school for all children older than 16 and younger than 5 from September 2017 who had an Education, Health and Care Plan. This would not apply to students going to college but it would apply to all students who were over 16 on 1 September 2017 who needed to travel to school. An annual parental contribution of £456 towards the transport cost would be required from 1 September 2017. The average total cost to the Council was approximately £3,800 for the current transport costs for an individual child or young person.

The report stated that the Council was committed to ensuring that all travel arrangements were considered on an individual and child by child basis, which took into account specific needs. In coming to this proposal the Council had looked at the charges made by similar authorities, the average contribution being £500 per year. Before making the charges the family would be contacted by the Transport Service who would explain the costs and the arrangements for paying, the authority would also want to hear about family circumstances that would hinder the collection of payment.

Richard Blackmore, Head of Education, informed the Committee that a number of those who had responded to the consultation had revealed personal information that had been difficult to redact without altering the response and therefore the responses to the consultation had not been included with the public report.

Resolved -

- (1) That the proposals for future action be agreed;
- (2) That the provision of free transport to children whose parents or carers wished their child to attend a school on denominational grounds where that school was not their nearest school, or the Local Authority determined that suitable education could be provided at a nearer school, be removed;
- (3) That the current appeals process for families or carers who wished to challenge a decision made about home to school transport be simplified and the new appeal process, as described in the report, would be adopted in accordance with the latest DfE guidance;
- (4) That contributions from parents or carers to contribute towards the cost of the transport arrangements for children over the age of 16 and under 5 be sought.

43. PROPOSED APPROACH TO SHORT BREAK AND DIRECT PAYMENT PROVISION

Further to Minute 39 of the meeting held on 3 February 2016, the Director of Children, Education and Early Help Services submitted a report outlining the proposed direction with regard to the provision of Short Break and direct payments for children and families of Reading who had disabilities and/or Special Educational Needs. A summary of the Short Break Consultation was attached to the report at Appendix A.

The report proposed that the Council continued to provide a range of options in the provision of support to children and their families with disabilities or SEN. In order to appropriately meet the needs of the population and to ensure appropriate financial control there would be a review of the current provision and operational system in the award of packages of support to children and families. The Council would publish a revised set of criteria, in April 2017, that would assist children and families with disabilities and SEN in understanding their entitlement to support. A robust system of assessment and review would ascertain the needs and requirements of individual child and family circumstances in order to ensure that the approach that had been requested was appropriate. The Council would identify the outcomes required from providers for children accessing short break intervention and would then invite providers to tender for short break contracts. The contracts once awarded would be managed robustly to ensure the correct outcomes were achieved for the correct families. This approach would ensure the delivery of financial control and success in the achievement outcomes. Where children and families opted for direct payments the Council would ensure, in line with the requirements of the Children and Families Act 2014, that the Local Offer was maintained and accessible and families could use this to assist them in securing their own individualised support. This proposal therefore ensured the Council was compliant with legislation in offering a range of support. It also ensured that appropriate families were identified for support and that providers were directed to deliver appropriate outcomes to safeguard and promote the welfare and opportunity of Reading's Children.

The Committee discussed the report and requested that an update report be submitted to the meeting in June/July 2017.

Resolved -

- (1) That support be provided to children and families with disabilities and SEN through a range of direct payments and the provision of short breaks;
- (2) That eligibility to direct payments and short breaks be identified through the publication of criteria, subject to assessment and appropriate review;
- (3) That the provision of short breaks be secured and delivered through outcome based contracts with a range of providers to ensure that varied services achieved appropriate outcomes for Reading's children in need of support;

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- (4) That an update report be submitted to the June/July 2017 meeting.

44. CHILDREN'S SERVICES LEARNING AND IMPROVEMENT PLAN PROGRESS UPDATE

Further to Minute 23 of the meeting held on 3 October 2016, The Director of Children, Education and Early Help Services submitted a report providing the Committee with an update on the progress being made in implementing the Council's Improvement Plan, following the June 2016 Inspection of the Council's Services for children in need of help and protection, children looked after and care leavers. An overview of the RAG rating against the Improvement Plan was attached to the report at Appendix 1.

The report stated that the each action in the Improvement Plan had been RAG rated in the initial stages of developing the Plan and was reviewed on a monthly basis by the Children's Directorate Management Team and the Corporate Management Team. Progress and any proposed changes to the RAG status was scrutinised and approved by the independently chaired Children's Services Improvement Board (CSIB).

The report stated that progress continued to be made against the majority of actions within the Plan, with the overall direction of travel presenting an improvement since the previous month. A total of three actions had been RAG rated dark green, these remained within the plan for six months and continued to be monitored by the CSIB to ensure that improvement was sustained. A total of 38 actions had been RAG rated light green, these were in progress and on track for completion by the agreed date.

There were four actions that had been RAG rated red as at 1 November 2015, as follows:

- The creation of an effective and affordable Children's Services structure;
- Implementation of effective performance management mechanisms to ensure that data and information was timely and used to inform practice;
- Implementation of restorative practice into the pathways plans and family group conferencing;
- Increase in the permanent establishment of the Independent Reviewing Officer (IRO) service to reduce caseloads and ensured IROs were able to effectively fulfil their Quality Assurance responsibilities including undertaking mid-way audits.

There were 15 actions that had been RAG rated as amber as at 1 November 2016 and these were set out in the report.

Resolved -

- (1) That the progress being made be scrutinised and the strategic approach being taken by the Director of Children, Education and Early Help Services be endorsed;

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- (2) That the current RAG status of key actions and the prioritisation and sequencing of activities based on the current resource availability be noted;
- (3) That a further progress update report be submitted to the next meeting.

45. READING LOCAL SAFEGUARDING CHILDREN BOARD ANNUAL REPORT

The Director of Children, Education and Early Help Services submitted a report presenting the Committee with the Reading Local Safeguarding Children Board Annual Report. The Annual Report was presented by Fran Gosling-Thomas, Independent Chair of the LSCB, and a copy was attached to the report.

The report explained that the Annual Report had focused on the achievements and ongoing challenges for the LSCB and partners specifically against priorities. The priorities for the 2015/16 year were as follows:

- Priority 1 - Domestic Abuse;
- Priority 2 - Strengthening the Child's Journey and Voice;
- Priority 3 - Child Sexual Exploitation and other Particularly Vulnerable Groups;
- Priority 4 - Neglect
- Priority 5 - Effectiveness and Impact of Reading LSCB

Evidencing the impact of safeguarding work was key to understanding what worked and how it could be improved. Throughout the report the impact of work had been highlighted, alongside what had been delivered.

The report explained that in previous years the Annual report had focused on work being carried out individually by LSCB partners. However, it was positive that this year the content more widely reflected the work carried out in partnership. The report listed the key LSCB achievements for 2015/16 under the priority headings and listed the ongoing concerns which the LSCB would continue to challenge in 2016/17 all of which were included within the LSCB Improvement and Development Plan for 2017.

Resolved -

- (1) That the Reading Local Safeguarding Children Board Annual Report be noted;
- (2) That Fran Gosling Thomas be thanked for her work as Chair of the Local Safeguarding Children Board.

(Councillor Stanford-Beale declared an interest in the above item, stayed in the meeting and took part in the discussion. Nature of interests: Councillor Stanford-Beale was Chief Executive Officer of Autism Berkshire).

46. PROPOSAL TO REMODEL READING CHILDREN'S CENTRES

Further to Minute 8 of the meeting held on 4 July 2016, the Director of Children, Education and Early Help Services submitted a report providing the Committee with an outline of the Family Support and Children's Centre review. Details on the building proposed per Hub was attached to the report at Appendix A and Reading Children's Centre Cluster Demographic profile, October 2016, was attached to the report at Appendix B. A document setting out the proposed use of the buildings was tabled at the meeting.

To save the 32% of funding from the Children's Centre budget the report set out a remodelled Children's Centre service offer which targeted resources to meet the needs of vulnerable children in their early years as a priority and focused on clear early intervention and prevention. A summary of how the Children's Centre Service would be remodelled under the proposal was as follows:

- Establish four fully integrated Children and Family Centre hubs. These would be in areas of highest need to deliver the core Children's Centre offer and to provide space for the provision of additional family services;
- Deliver some services or activities from satellite buildings;
- Integrate fully Reading's Health Visiting service within the remodelled offer to ensure all children under five had universal contacts and early identification of additional needs;
- For families in need of support, re-focus the work on targeted support in group and one-to-one sessions for families;
- Realign the Children's Centre offer to focus on pre-birth to three year olds;
- Reduce the current spend by £400k by the start of the Financial Year 2018/19.

The proposals also took into consideration the introduction of 30 hours early education entitlement for three year olds from September 2017. This would result in a reduction of demand from families for universal activities in Children's Centres and more emphasis being placed on the pre-birth-two year age range.

Resolved -

- (1) That the proposed consultation on the Children's Centre Offer for local children under 5 years and their families be endorsed and the results of the consultation and a set of recommendations be submitted to Policy Committee in May/ June 2017 for decision;
- (2) That the approach and timetable for a 12 week consultation on the Children's offer for local children under 5 and their families, starting on 4 January 2017, be endorsed.

47. HEALTH VISITORS/SCHOOL NURSE SERVICE OPTIONS

The Director of Children, Education and Early Help Services submitted a report setting out the proposed next stage in the delivery of the mandated universal

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Health Visitors and School Nurses Programme. The following appendices were attached to the report:

Appendix A	Key objectives of the Reading Health Visiting Service
Appendix B	Key objectives of the Reading School Nursing Service
Appendix C	Key objectives of the Children's Centres/Early Intervention Services
Appendix D	In House and Third Party Provider Risk Assessment
Appendix E	Outcomes which would be improved by an Effective 0 to 19 years' Service

The report stated that officers had looked at several options for the Service, which were set out in the report, on how to continue to run the Public Health nursing service in the Borough from September 2017 onwards. In all options the services would need to deliver against the mandated public health functions and standards as a package of universal and targeted services, which would enable risk assessment and early identification of additional needs, ensure that families received early help and support upstream before problems developed and as a result reduce demand downstream on higher cost specialist services. The report explained that the budget was part of the ring fenced public health grant and had been produced in discussion with the Director of Public Health and Director of Adult Care and Health Services.

The report explained that after detailed consideration of the options and, given the current pressures which the Council was facing, the preferred option was as follows:

- To bring the health visitors service and school nursing service together into a single contract;
- That the service be commissioned from an external partner for two years with an option of a one year extension, with effect from 31 September 2017;
- That there was sufficient scope in the contract to agree contract variation to respond to the needs of children;
- As part of the scope a requirement had been built into the contract that the Service Manager, although line managed by the contractor, had a dotted line to the Head of Early Help and Family Intervention and would be a key member of the management team of Children's Services to champion the health of children and young people;
- That the services would be based in the Children's Centres/Schools to provide their universal offer to children;
- The management and monitoring of the current contract would be via a programme management approach including the Council's Early Help Services and Public Health. All parties were seeking to ensure that this service offer was integral to the Council's offer and that the mandatory requirements were met to a high standard;
- That the Council considered other linked health projects which could be integrated into the service offer to young parents to consider how vulnerable parents could be supported and that the number of children born into vulnerable situations was reduced. Any such proposals would need to meet public health outcomes and standards if funded from the public health grant.



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Resolved -

- (1) That the commissioning of the Health Visitors and School Nursing Service as a single service be approved and the Director of Children, Education and Early Help Services be granted delegated authority for this responsibility;
- (2) That the Director of Children, Education and Early Help Services be given authority to award the contract, in consultation with the Director accountable for Public Health grant spend, the Director of Public Health and the Lead Councillors for Children's Services and Families and Health.

48. WEST BERKSHIRE, BUCKINGHAMSHIRE AND OXFORDSHIRE SUSTAINABLE TRANSFORMATION PLAN - UPDATE

The Director of Adult Care and Health Services submitted a report providing the Committee with an update on the development of the Sustainability and Transformation Plan (STP) for West of Berkshire, Oxfordshire and Buckinghamshire (BOB). A copy of the Transformation Plan was tabled at the meeting.

The report stated that some work streams were to be welcomed as positive steps forward. The workforce strategy enabled new options for sharing the cost of staff training and development and facilitating 'rotation' of key staff to enhance career development and share access to hard to recruit professionals. Investment in delivering public health messages was planned, with a projected wider economy of scale.

Wendy Fabbro, Director of Adult Care and Health Services, reported that there were concerns about the transparency of the STP which would be an issue with regard to scrutiny of the document. There were also issues around the role of Councillors and the Council itself in respect of leadership and initiation. However, the detail was at a very high level and so it was unclear as to what might happen. The STP stated that a 'do nothing' scenario would result in a £479m deficit at the end of 2020/21 which would clearly need to be managed very carefully. A joint scrutiny of the STP, its intended and potential impact on the health and care system and on each local authority, had therefore been suggested.

The Committee discussed the report and the proposed closure of the hydrotherapy pool at the Royal Berkshire Hospital and agreed that the Royal Berkshire NHS Foundation Trust should be requested to carry out a public consultation on the proposed closure.

Resolved -

- (1) That the plans to participate in a West Berkshire (Reading, West Berkshire and Wokingham) scrutiny of the STP, its intended and potential impact on the health and care system and on each local authority, in terms of achieving specified quality indicators and financial sustainability be endorsed;

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- (2) That a further report be submitted to the next meeting on the analysis of the survey invited from Reading citizens in the publication of the BOB STP in early November 2016;
- (3) That further options to work with Healthwatch in scrutinising the plans be explored;
- (4) That the Council write to the Royal Berkshire NHS Foundation Trust requesting them to carry out a public consultation on the closure of the hydrotherapy pool at the Royal Berkshire Hospital.

49. UPDATE ON ADULT SAFEGUARDING AND THE DEPRIVATION OF LIBERTY SAFEGUARDS (DOLS)

Further to Minute 26 of the meeting held on 3 October 2016, the Director of Adult Care and Health Services submitted a report providing the Committee with an updated summary of Adult Safeguarding and the Deprivation of Liberty Safeguards within the Council since the last report. A copy of the Safeguarding Recovery Plan was attached to the report at Appendix 1, an updated proposal for the restructuring of the Safeguarding Adult Team was attached at Appendix 2, a copy of the Safeguarding Adults Quality Assurance Framework was attached to report at Appendix 3 and a copy of the Reading Annual Performance Report 2015/16 was attached to the report at Appendix 4.

The report explained that the Safeguarding Recovery Plan had been developed to include further development of local procedures in line with the Care Act 2014, ensuring teams and practitioners had the tools to effectively practice safeguarding. A further development which would support and ensure the Council was Care Act compliant was an updated proposal for the restructuring of the Safeguarding Adult Team. This would ensure safeguarding in Reading was able to proactively respond to any strategic safeguarding concern that had been raised, supporting both prevention and wellbeing.

The safeguarding auditing system would be supported with a Safeguarding Adults Quality Assurance Framework (SAQAF) that was currently being developed. This would provide further assurance of the quality of safeguarding adults in Reading.

The Safeguarding Adults Board was currently considering how the Council could obtain independent feedback from those that had been safeguarded to further improve and develop practice, to ensure the Council was Care Act compliant with respect to being person centred in its approach, and that work was in accordance with Making Safeguarding Person (MSP) and the six principles of Safeguarding.

The report stated that currently the Council's performance was variable against the first four principles and comparison over the previous two months had highlighted inadequate performance against the Protection principle. Although there was evidence people were being protected, recording of the work being carried out was not being used to complete the necessary safeguarding forms in a timely fashion resulting in inadequate scoring during audit.

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The Safeguarding Adults Team had continued to provide a training programme that included Levels 1, 2 and 3 Safeguarding Training. There were also monthly workshops for practitioners within Adult Social Care.

The report stated that the volume of Deprivation of Liberties Safeguards (DoLs) was still a challenge nationally and officers were awaiting further developments from the recent Law Commission Review and the likely changes and recommendations. Reading currently had less than 40 outstanding DoLs, down from 71 at the beginning of the financial year and officers were working hard to reduce this number further. Best Interest Assessors had a statutory duty to establish whether deprivation of liberty was occurring or was going to occur. An internal Best Interest Assessor rota was being implemented to allow the Council to better meet its statutory duties under the Mental Capacity Act and an internal rota would enable better quality management and accountability for this work, whilst doing so in a more cost effective way by not relying on independent Best Interest Assessors.

Resolved - That the improvements set out in the report be noted and the plans to secure continuing improvement in the Safeguarding Service endorsed.

#### **50. ADULT SOCIAL CARE LOCAL ACCOUNT**

The Director of Adult Care and Health Services submitted a report presenting the Local Account, a report of Council's performance in Adult Social Care. A copy of the draft of the Adult Social Care Local Account was appended to the report.

The report explained that the Local Account was a report of the Council's performance in Adult Social Care. It was influenced strongly by sector led improvement good practice requirements and was a useful summary of what the Council was doing well and where it planned to do further work to improve the way that people were supported. The Local Account was aimed at service users, carers, local residents and partners and was presented in a way that should make the information accessible and interesting to this audience.

A full Local Account had been produced for 2014/15, following consultation with Healthwatch Reading, and had been presented in an accessible and user-friendly format. The report had been updated for the Financial Year 2015/16. The Local Account for 2015/16 would follow the same format as the previous year and the contents would include:

- Introduction by the Lead Councillor for Adult Social Care and Director;
- Scene setting/background to Adult Social Care: Adult Social Care vision, key population information and basic information about Adult Social Care Services;
- How we did: key performance indicators, overview of budget information;
- Feedback: survey results, complaints data and recent consultations;
- Forward Look: priority areas to focus on in 2016/17 and beyond.

Resolved - That the Local Account for 2015/16 be endorsed and approved for publication.

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51. ANNUAL COMPLAINTS REPORT 2015 - 2016 FOR ADULT'S SOCIAL CARE

The Director of Adult Social Care and Health Services submitted a report providing the Committee with an overview of complaints activity and performance for Adult's Social Care for the period from 1 April 2015 to 31 March 2016. A summary of Adult Social Care Complaints 2015/16 was attached to the report at Appendix A.

Resolved - That the report be noted.

(The meeting commenced at 6.30 pm and closed at 10.03 pm).



<b>Present</b>		
Cllr Jan Gavin	JG	Lead Members for children's services
Cllr Jane Stanford-Beale	JSB	Councillor
Stan Gilmour	SG	Local Area Commander, Thames Valley Police
Jill Lake	JL	Executive Member, RCVYS
Ben Cross	BC	Development worker, RCVYS
Esther Blake	EB	Partnership Manager, RBC
Andy Fitton	AF	Head of Service, Early Help and Intervention, RBC
Gerry Crawford	GC	Regional Director, BHFT
<b>Young People in attendance</b>		
<b>Business Support:</b>		
Donna Gray	DG	Minute Taker
<b>Apologies:</b>		
Ann Marie Dodds		Director of Children, Education and Early Help Services
Fran Gosling-Thomas		Reading LSCB Independent Chair
David Dobraszcyk & Youth Cabinet		Youth Cabinet

### 1. WELCOME AND INTRODUCTIONS

Round table introductions took place. Youth Cabinet were not in attendance today; they are a new group and will join future meetings. Tom Woolmer has now left his position. SG offered some TVP support for the Meeting in form of cadets/school officers as it is important that the child's voice is heard at this meeting. JG advised it would be good to understand the work that TVP does in Schools.

### 2. YOUTH CABINET UPDATE

Not applicable.

### 3. PRIORITY AREA – KEEPING CHILDREN SAFE

Today's sessions will focus on the re referrals into social care. The subject is being discussed in other forums and is not just the responsibility of this Board. The Data received is from the CSC monthly dashboard which shows referral numbers, % of referrals and the number of re referrals. At this time CSC cannot supply the data of where these referrals are coming from.

AF explained what a referral is; a call to MASH is a contact. MASH then look at the case and if it needs further action it moves to A&A and at this point it becomes a referral.

Percentage of re referral – National Average is: 22.3% and Statistical Neighbours Average: 20.8%.

Re Referrals are above national average but from Jul 16 to Nov 16 the figure dropped. AF explained that the re referral number is per child not per family so if it is a larger family being referred it could alter the figures.

## CHILDREN'S TRUST PARTNERSHIP BOARD – 10<sup>th</sup> January 2017

The argument is that the intervention that happened the first time round was not sustained so the family have had to be re referred. This means the interventions that take place need to be reviewed.

SG would be keen to know the numbers of children re referred nationally so we can look to see if our figures are good or bad.

BC asked if the numbers include the families that meet the need for disability assessments as this might affect the numbers as well. AF advised that it does.

The figures aren't improving rapidly enough in Reading. AF handed out case studies to colleagues to review and asked colleagues to answer the 2 following questions:

1. What could people take away as an ownership for their agency?
2. What can be done differently?

There needs to be a joined up approach that highlights a range of interventions. A deep dive audit can be undertaken of re referral cases to see what range of early help interventions can be offered by the wider partnership with the results from the audit it may be possible to identify those families who need longer term early help interventions.

SG would like to be part of the process of identifying a different approach to these families as if we are not making a rapid difference then we need to try something new. Discussions took place about identifying the top 5-10 families and place them into the innovation fund to potentially offer something different through the troubled families programme.

There is the absence of a consistent person all the way through the families' journey; cases get signed off because another professional is working them. JL doesn't think that the processes work for all families and if there was a consistent agency or person providing continuity to the family this may help.

JG advised that a multi-agency audit would be the role of the LSCB and the CTB can ask them to do that with the view of improving practice to reduce re referrals in conjunction with troubled families.

JG asked if there are more referrals where lower level support has been considered initially and has not been successful or is it cases where there has been higher level social care intervention.

BC advised that there may be voluntary projects that can provide support to the family in the longer term. Conversations with wider partners need to take place.

JL asked if re referral is a bad thing and if it is costly? AF advised it's about recognising missed opportunities as families don't want to keep being referred to social care.

## CHILDREN'S TRUST PARTNERSHIP BOARD – 10<sup>th</sup> January 2017

BC asked what role Health Visitors have in preventative work with families so something can be done before it escalates further. GC advised that the FNP would have done this work with families. There needs to be a level of targeted work to identify what strategies are making a sustainable difference and where families aren't engaging then these cases need to be followed up before they reach crisis point again.

JG asked how many re referrals come from the Health Visiting Team. AF advised it is not known at this time as the RBC system does not break the data down this far. JG challenged that we need to know which areas need targeting. The Troubled Families analysis may be able to help with gaining data and the results can be used to decide what work can be done to identify and target families. AF agreed to discuss this with Troubled Families colleagues.

BC felt that the voluntary sector are overlooked and advised that colleagues want to be engaged in supporting families.

### **Conclusion:**

- AF will ask the Troubled Families Team to do some analysis around the number of re referrals to look at the following parameters: when cases were accepted were they level 3 or 4, what was the outcome and where are we now with that family.
- From the Troubled Families data to identify a group of repeat families to target them in the community that we should be working with. AF will take the top 8-10 families to the innovation fund.
- GC asked if AF would consider teleconferences so that BHFT and other agencies can contribute virtually; teleconferencing, skype etc. GC will speak to colleagues about what other work is going in BHFT.
- BC will look again a voluntary sector involvement with stepdown cases.
- LSCB will be asked to consider an audit being added to the programme around re referrals (Need analysis from Troubled Families Team).
- AF will ask SG to find out from his Berkshire wide colleagues what work is going on across the piece.

JG asked for colleagues to begin this work now so that feedback can be given at the next meeting. Information on work that has taken place can be captured in discussions at the next meeting so we can see what hold we have on the situation.

### **4. MINUTES AND MATTERS ARISING**

Ofsted Action Plan – Ensure that more Voluntary Sector Organisations can refer appropriately into MASH, Early Help Hub and the LADO: BC has done analysis of training and over the last year 139 people from 64 different organisations attended a training course which provided them with the tools and information to refer cases appropriately.

The minutes were approved as true reflection of discussions.

**5. UPDATE ON OFSTED MONITORING VISITS**

One monitoring visit has taken place with the next visit due in late February and the focus is likely to be CIN cases but this hasn't been confirmed this in full as yet. The headline is that there has been progress. Ofsted spent a lot of time in A&A looking at S47 Strategy Discussions. RBC still has a way to go to ensure the right information is on MOSAIC with management oversight and following up Missing & CSE cases appropriately. It was noted that the morale of workers in A&A has improved.

The Minister wrote to the Local Authority before Christmas and advised that he is accepting the recommendation of the Commissioner which was not to make a decision until the end of April; they will continue to work with the authority until the end of April and make a recommendation in early May. JG advised that the commissioner is concerned about the financial sustainability of the Local Authority.

JL asked if the newly recruited social workers have been embedded as yet. JG advised that this is an ongoing process with an ongoing recruitment programme. 10 new starters joined the Local Authority at the beginning of January and a new service manager has been recruited for the QA service. There will be no new overseas workers at this time as they are trying to embed those workers.

GC asked what the turnover of staff was and AF advised it is very varied. Permanent staff turnover has improved but there still high levels of agency workers. The ratio between permanent and agency workers is improving and a permanent leadership structure is in place.

Ann Marie Dodds is the new Director of Children's Services and will be until the recommendation of the commissioner has been received.

**6. INFORMATION ITEMS**

LSCB Annual Report – <http://www.readinglscb.org.uk/about-lscb/readinglscb-annual-report>

Children's Centre Consultation – Meetings are taking place in each cluster and stakeholder meetings will be organised. Consultation began on 4<sup>th</sup> January 2017 and ends 29<sup>th</sup> March 2017

**7. ANY OTHER BUSINESS**

None noted.

**8. FUTURE ITEMS**

Suggested workshop topics:

- Education and learning – 5th April 2017
- TBC – 19th July 2017
- TBC – 18th October 2017



READING BOROUGH COUNCIL

REPORT OF DIRECTOR OF CHILDREN, EDUCATION AND EARLY HELP

TO:	ADULT SOCIAL CARE, CHILDREN'S SERVICES AND EDUCATION COMMITTEE		
DATE:	20 MARCH 2017	AGENDA ITEM:	8
TITLE:	SCHOOLS IMPROVEMENT STRATEGY		
LEAD COUNCILLOR:	Cllr TONY JONES	PORTFOLIO:	EDUCATION
SERVICE:	DCEEHS	WARDS:	BOROUGHWIDE
LEAD OFFICER:	DAN NEAL	TEL:	0118 937 4976
JOB TITLE:	STRATEGIC LEAD FOR SCHOOL IMPROVEMENT	E-MAIL:	<a href="mailto:dan.neal@reading.gov.uk">dan.neal@reading.gov.uk</a>

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 The purpose of this report is to provide a summary update to the ACE Committee on the progress of improving pupil achievement and attainment in Reading's schools.

2. RECOMMENDED ACTION

- 2.1 To note the progress of improving pupil achievement and attainment in Reading's schools.
- 2.2 That a further update is brought to the next meeting of the Committee outlining on a "school by school" basis their current respective status and, as a matter of scrutiny, their prospects of improvement.

3. POLICY CONTEXT

- 3.1 Last year the council published the "Reading First Partnership Educational Ambition and Achievement strategy 2016-2018" (the "improvement strategy") which has a key target of ensuring all schools in Reading are classified as being "good or better" by Ofsted standards by 2019.
- 3.2 The role of the Local Authority is to ensure that the needs of all children and young people are met. Reading Borough Council has particular responsibility for the most vulnerable learners in our community.

- 3.3 Reading Borough Council recognises and values the diversity and distinctiveness of individual learners, groups and institutions. It actively promotes the concept of schools as self-regulating institutions within a professional, supportive and collegiate framework which sustains a climate of continuous improvement.
- 3.4 All pupils are subject to a number of tests at the end of each phase during their time at school which determine school performance against national benchmarks in terms of grades (achievement) and progress made from various starting points (progress).
- 3.5 In order to share aggregated data all schools in Reading have entered in to a data sharing agreement to allow an aggregated analysis to be provided in this report.
- 3.6 Reading First Partnership is committed to driving the three priority areas; known as strand 1 - leadership and management, strand 2 - recruitment and retention of staff and strand 3 - improving the outcomes for the most vulnerable learners.

#### 4. CURRENT POSITION

- 4.1 There has been progress since the adoption of the improvement strategy which means that council maintained schools are on track to meet the target of 100% being good or better by 2019. However, two academies have remained as “Requires improvement” and may not be visited by Ofsted until late 2018 or early 2019, so putting the achievement of the overall target of all schools being good or better by 2019 at risk.
- 4.2 Outcomes for Early Years and Foundation Stage, Key Stage 1 and Key Stage 2 show improvements when compared to the national rankings on our position in previous years. All Primary Schools in Reading are above the national floor target and Reading is above national for combined Reading, Writing and Mathematics for the first time in over ten years.
- 4.3 Early Years: Outcomes have shown a year on year improvement in Early Years at least expected standard is 4.9% above national and a Good Level of Development is above national by 1.7%.
- 4.4 Key Stage 2: Our ranking against the 152 local authorities has improved in 2015 Reading Borough Council were 103<sup>rd</sup> for Reading, Writing and Mathematics (RWM) at level 4+; and 109<sup>th</sup> at level 4B+. This year the council is ranked 50<sup>th</sup> for RWM at the expected standard and 7<sup>th</sup> at the higher standard. No schools have been identified as coasting schools within the primary phase. The key measure of combined RWM has moved from 103<sup>rd</sup> to 49<sup>th</sup> (this places Reading in the top third nationally).
- 4.5 Key Stage 4: There have been good outcomes in relation to attainment, which is “significantly above national the average” for Attainment 8 and “above national average” for the English Baccalaureate. The percentage achieving both English and Mathematics is described as in ‘line with national’ (62%), being slightly above the national figures at 64%.

4.6 Areas for improvement within Key Stage 4 are those children with Education, Health and Care Plans, those identified by schools as requiring Special Educational Needs Support and children eligible for Free School Meals. There have been improvements in some schools, along with those schools where action is being taken to address underachievement.

## 5. WORK UNDERWAY

5.1 As previously reported to the committee the “improvement strategy” is being delivered through the schools led “Reading First Partnership” and the council’s School Improvement Team, and comprises of three “strands” of work: 1. Leadership and Management, 2. Recruitment and Retention of staff and 3. Improving the outcomes for the most vulnerable learners.

5.2 Within strand 1 - Leadership and Management - a ‘Her Majesty’s Inspector’ has been working with school leadership teams, led by a School Partnership Adviser. To date 6 schools have undertaken this coaching, a further 6 are currently undertaking this program and a further 6 will take part in this strategic coaching of leaders and headteachers in the summer term.

5.3 Schools categorised as a Raising Achievement Schools and those with the lowest performance have regular progress reviews, which brings the Headteacher, Chair of Governors, School Partnership Adviser and the Strategic Lead for School Improvement together to review progress against an agreed plan. This process has led to improvements in 2016 and continues this academic year. These meetings have been further improved through an increased challenge and with clearer information being required from both the school and the School Partnership Advisors following both Ofsted focussed inspections and monitoring visits, undertaken through Teaching and Learning reviews.

5.4 For strand 2 - recruitment and retention - a discounted package with a provider has been negotiated for primary schools and academies within Reading Borough Council to purchase, this ensures that high quality advertisements can be promoted nationally. The impact of this initiative is currently under review, with work is on-going in relation to a similar package for secondary schools and academies.

5.3 Within strand 3 - Improving the outcomes for the most vulnerable learners - the School Improvement Team is providing support to those maintained schools identified through the School Monitoring Group as requiring specific support. There is a planned agenda throughout the year for visits and issues identified for individual schools are being both challenged and addressed, in partnership with the schools.

5.4 In addition, specific work within strand 3 for Governors and leadership teams within schools is being provided by the School Improvement Team focussing on Pupil Premium, Special Educational Needs and Cultural Capital, along with under-performing groups.

## 6. WORK PLANNED

6.1. For strand 1, Ofsted preparation has been set up by the School Improvement Team and Tribal Education for 20 Headteachers and Leaders

within schools to provide training on the new framework under which Her Majesty's Inspectors and Ofsted Inspectors are working.

6.2 For strand 3, the School Improvement Team have initiated and coordinated a course on 'Maximising the Impact of Teaching Assistants'. One training event has taken place, with another two planned on 14th March 2017 and 13th June 2017. There was a Special Educational Needs and Disability Conference on 6th March 2017 and a Newly Qualified Teachers Quality First Training Day on 2nd March 2017. This will be supplemented by an Early Years Pupil Premium Conference on 17th March 2017.

6.3 Also within strand 3, a Breaking Down Barriers Conference is planned for 16<sup>th</sup> June 2017. This is a pan-Berkshire Conference in relation to Poverty, Special Educational Needs and closing the attainment gaps for Disadvantaged Pupils. Confirmed Speakers are Mike Brearley (St Johns College Cambridge), Sir Kevan Collins (Chief Executive at the Education Endowment Foundation), Prof. Allen Thurston (Director of the Centre for Effective Education, Queens University College, Belfast), Will Millard (Writer and Broadcaster) and Rob Webster (Institute of Education at University College London).

## 7. CONTRIBUTION TO STRATEGIC AIMS

7.1 This report contributes to Reading Borough Councils' strategic aims "to establish Reading as a Learning City and a stimulating and rewarding place to live" and "Providing the best start in life through education, early help and healthy living".

## 8. COMMUNITY ENGAGEMENT AND INFORMATION

This report does not impact on community engagement and information.

## 9. EQUALITY IMPACT ASSESSMENT

None required in relation to this report.

## 10. LEGAL IMPLICATIONS

There are no legal implications contained within this report.

## 11. FINANCIAL IMPLICATIONS

There are no financial implications based on this report.

## 12. BACKGROUND PAPERS

Previous reports to the ACE Committee in 2015/2016, 2016/17

READING BOROUGH COUNCIL

REPORT BY DIRECTOR OF CHILDREN, EDUCATION AND EARLY HELP SERVICES

TO:	ADULT SOCIAL CARE, CHILDREN'S SERVICES AND EDUCATION COMMITTEE		
DATE:	20 MARCH 2017	AGENDA ITEM:	9
TITLE:	PROGRESS OF THE REGIONAL ADOPTION AGENCY		
LEAD COUNCILLOR:	COUNCILLOR GAVIN	PORTFOLIO:	DCEEHS
SERVICE:	ADOPTION SERVICE	WARDS:	BOROUGHWIDE
LEAD OFFICER:	ANN MARIE DODDS	TEL:	72421
JOB TITLE:	DIRECTOR	E-MAIL:	Annmarie.dodds@reading.gov.uk

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 The purpose of this report is to provide an update on the status of the new Adopt Thames Valley Regional Adoption Agency (RAA). The report will identify the current status of the project and the current implications for Reading Borough Council (RBC).
- 1.2 RBC's inclusion in the RAA is an effective move in achieving positive outcomes through permanence for Reading's children. In joining the RAA, Adoption Services will be delivered on a greater scale and with more innovative approaches to practice. This approach has real potential to improve outcomes for Reading's children.
- 1.3 RBC wants to ensure that in joining the RAA we will have an adoption system where children are matched with the most suitable adopter as quickly as possible. The recruitment of adopters will take place on an efficient scale to provide a pool of 'adoption ready' adopters large enough and well matched to meet the needs of Reading children who are waiting and that there will be enough high quality adoption support services available nationwide to continue to meet the needs of our children.
- 1.4 The 'go live' date for the RAA is October 2017. The project status of the current RAA is recorded as amber. This is due to the risk of not being able to finalise the budget, Local Authority contributions and political approval within the timeframe required (end March 2017).

## 2.0 RECOMMENDED ACTION

- 2.1 That Reading Borough Council continues to participate in the Adopt Thames Valley Regional Adoption Agency.
- 2.2 That once the financial arrangements are agreed at the Adopt Thames Valley Board they are considered for approval via Policy Committee in order not to further delay the launch of the 'go live' of the RAA.
- 2.3 That the governance arrangements are accepted for the onward delivery of the project in allowing both officer and member oversight and engagement.

## 2 POLICY CONTEXT

- 2.2 Regional Adoption Agencies (RAAs) are intended to speed up matching, markedly improve the life chances of neglected and damaged children, improve adopter recruitment and adoption support, and reduce costs. The development of RAAs will create a system where there are fewer organisations recruiting and assessing adopters - enabling operation on a much greater scale.
- 2.3 Reading Borough Council is a partner in the Adopt Thames Valley RAA. The Partnership Board (attended by The Director and/or Head of Service Safeguarding) meet on a monthly schedule and progress is monitored against a project plan covering the themes of Project Management, Vision, Developing Partnerships, Service Specifications, Processes, Voice of the Child/Adopter, Commissioning, Finance, HR/Staffing, Property, ICT, Legal, and Communications.

## 3 THE PROPOSAL

### Current Position

- 3.2 To date all funding options proposed against formulae would deliver budget savings on adoption for Reading Borough Council. Until the final formula is agreed by the Adopt Thames Valley Board and Local Authority contributions fixed, the delay to the 'go live' date of October is at risk. This is captured as an amber rated risk to the 'go live' of the project.
- 3.3 Once a funding formula is agreed by all partners and contributions are clear, RBC's political approval will be required.
- 3.4 The staffing structure of the new organisation has not currently been agreed. The confirmation of the final structure is complicated by the fact that the participating Local Authorities have existing structures that vary; this includes variance with management arrangements, social workers, support workers and business support. An early commitment by the RAA was that there would be no redundancies as a result of the creation of the RAA

and therefore though the final staffing structure is yet to be agreed the finalisation of the structure poses no risk to Reading Borough Council.

- 3.5 The recommendation for a three site property for the RAA has been agreed. The fixed sites across the region will be supplemented by the availability in Local Authority offices for social workers to hot desk within social work offices.
- 3.6 Agreement was reached at the February Board (minutes not yet confirmed) that the governance arrangements for the live RAA would be via a single Board that will meet monthly through the initial stage of delivery. Attendance at the Board will be at officer level (likely Head of Service) and that a second tier of Lead Member/Director meetings will take place (likely 6 monthly) to ensure member involvement in the joint delivery of the service.
- 3.7 The quarterly performance framework for the RAA was also considered and agreement was reached that the proposed framework (Appendix A) would allow appropriate management oversight.

#### Options Proposed

- 3.8 The move of RBC's Adoption Services to Adopt Thames Valley as the most appropriate RAA remains the most appropriate and innovative model to ensure positive outcomes for Reading's children placed for adoption. It is proposed that RBC continues to operate as a partner within this model.

#### Other Options Considered

- 3.9 There are no other options being considered at this stage for the overall model.
- 3.10 Other options for the financial modelling are under consideration and will be brought through the RBC committee process to ensure full political sign off ahead of financial commitment.

#### **4 CONTRIBUTION TO STRATEGIC AIMS**

- 5.1 The strategic aim that the participation in the RAA will contribute to is safeguarding and protecting those that are most vulnerable.

#### **6 COMMUNITY ENGAGEMENT AND INFORMATION**

- 6.1 Officers impacted by the creation of the RAA have been consulted. Additional engagement with these staff will take place throughout the period of TUPE in line with employment legislation.

#### **7 EQUALITY IMPACT ASSESSMENT**

- 7.1 None required at this stage.

## 8 LEGAL IMPLICATIONS

- 8.1 Oxfordshire County Council is the host authority for the RAA. Work is commencing during March 2017 to TUPE Reading Borough Council employees to Oxfordshire County Council. RBC lawyers and HR professionals will be working collaboratively with Oxfordshire CC to ensure this transition is within timescale and afford full protection to staff employed by RBC.

## 9 FINANCIAL IMPLICATIONS

- 9.1 At present all financial modelling suggests that in entering the RAA, RBC will reduce the current costs for adoption services. The financial modelling is based on previous adoption performance amongst other demographics. The potential is that where RBC would expect adoption performance to improve and the volume of children matched to successful adopters increase there is a likelihood that in future years with higher volumes and improved performance, costs will increase against a fixed finance formula.

## 10 BACKGROUND PAPERS

Regionalising Adoption

<https://www.gov.uk/government/publications/regional-adoption-agencies-programme>



READING BOROUGH COUNCIL

REPORT BY THE INDEPENDENT CHAIR OF THE CHILDREN'S SERVICES IMPROVEMENT BOARD

TO:	ADULT SOCIAL CARE, CHILDREN'S SERVICES AND EDUCATION COMMITTEE		
DATE:	20 MARCH 2017	AGENDA ITEM:	10
TITLE:	CHILDREN'S SERVICES IMPROVEMENT BOARD - REPORT OF THE INDEPENDENT CHAIR		
LEAD COUNCILLOR:	COUNCILLOR GAVIN	PORTFOLIO:	CHILDREN'S SERVICES
SERVICE:	CHILDREN'S SERVICES	WARDS:	BOROUGH WIDE
LEAD OFFICER:	SIMON WARREN	TEL:	0118 937 2067
JOB TITLE:	MANAGING DIRECTOR	E-MAIL:	<a href="mailto:Simon.Warren@reading.gov.uk">Simon.Warren@reading.gov.uk</a>

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 This report is one of a series of reports to ACE Committee from the Independent Chair of the Children's Services Improvement Board (CSIB). The CSIB was established to oversee the implementation of the Improvement Plan and service improvements in Children's Social Care.
- 1.2 The CSIB meets monthly and this report covers the period from the publication of the Ofsted report in August 2016 to the end of February 2017.
- 1.3 During this period the CSIB has overseen the development of the Children's Services Learning and Improvement Plan developed in response to the 18 recommendations for improvement identified in the Ofsted report which found Reading children's services to be 'inadequate'. The Learning and Improvement Plan also includes a number of other improvement actions identified by the local authority based on the narrative within the Ofsted report.
- 1.4 Since the development of the Learning and Improvement Plan, and its submission to Ofsted, the CSIB has focussed on monitoring the performance and delivery of actions in the plan in order to demonstrate improvement to Ofsted, the Department for Education, the Council and the wider community.
- 1.5 In September 2016, the Secretary of State for Education appointed a Commissioner to undertake a three-month review of Reading children's services and its capacity to improve. This review period has been extended for the Commissioner to assess the best way to ensure sustainable improvements

in Reading children's services. The role of the CSIB in supporting improvement has been acknowledged by the Commissioner who has requested an increased focus on ensuring that quality assurance is applied systematically during this period.

- 1.6 The CSIB provides support, challenge and oversight of the Learning and Improvement Plan together with its comprehensive performance dataset. A highlight report is produced for each CSIB meeting summarising progress against each of the actions and indicating a RAG rating. Where actions have been RAG rated RED or AMBER management action to secure improvement is included.
- 1.7 In addition to monitoring the Learning and Improvement Plan, the CSIB has also focussed on impact and quality assurance activity to ensure that all improvements identified are well evidenced and secure. This has been particularly important in relation to improving the quality of social work practice.

## 2. RECOMMENDED ACTION

- 2.1 That the report be noted.
- 2.2 That Members identify any issues that they would like to see as a focus in any future report from the CSIB.

## 3. POLICY CONTEXT

- 3.1 At the ACE Committee on 29th June 2015 it was agreed that a Children's Services Improvement Board be set up to oversee the implementation of the Children's Services Improvement Plan. Since the publication of the Ofsted report in August 2016 the CSIB has focussed on providing support, challenge and oversight of the Children's Services Learning and Improvement Plan.
- 3.2 The Terms of Reference and objectives are attached at Appendix 1.
- 3.3 The Board continues to be supported and attended by key partners and is well served by officers.

## 4. CONTRIBUTION TO STRATEGIC AIMS

- 4.1 The work of the CSIB is aligned with the Strategic Priorities of Reading Borough Council as set out in the Corporate Plan and in particular 'safeguarding and protecting those that are most vulnerable'.

## 5. PROGRESS ON PRIORITIES

- 5.1 The Learning and Improvement Plan has been developed around three key priorities: People and Leadership; Practice and Systems; Governance and Accountability.

- 5.2 People and Leadership - the CSIB has recognised that securing and maintaining a stable senior leadership team is essential to ensuring sustainable improvement in children's services. This has continued to be a challenge in Reading and has impacted on the pace of improvement. The Acting Director of Children, Education and Early Help Services and the senior leadership team have reported to CSIB with improved rigour and clarity on the progress in implementing the Learning and Improvement Plan. As a result, the CSIB now has a clearer understanding of the weaknesses in the service and there is greater focus on improving the quality and impact of social work practice. Recruitment and retention of social workers remains a challenge particularly in relation to permanent social work managers. The CSIB has a clear focus on this issue as the absence of permanent managers presents significant challenges in securing improvements in practice that require consistent management oversight and supervision.
- 5.3 Practice and Systems - the Domestic Violence Audit undertaken by external reviewers in response to one of the Ofsted recommendations has provided CSIB with valuable insight into social work practice in Reading. The review of over 700 cases identified some examples of good work and also highlighted gaps in social work practice together with implications for partner agencies. The CSIB has provided a clear steer to senior leaders and partners that the findings of this extensive review should be used to support improvements in practice across the children's workforce. The CSIB recognises the importance of ensuring that it maintains a focus on quality of work being undertaken with children and families and this needs to be supported by robust quality assurance mechanisms. The CSIB will continue to emphasise the importance of being able to provide evidence of impact and improvement rather than simply reporting on activity.
- 5.4 Governance and Accountability - this priority relates to ensuring effective lines of accountability and governance to embed a culture of appropriate challenge and scrutiny at all levels and across the partnership. The CSIB is committed to providing robust challenge and scrutiny on the implementation of the Learning and Improvement Plan. This role is taken seriously by partner representatives who are keen to support a culture of improvement. The CSIB has identified that a partnership priority is to address the Ofsted recommendation relating to the consistent application of thresholds across the children's workforce. It has been agreed that this recommendation requires a more solution focussed approach with partnership engagement facilitated by the LSCB. The CSIB will continue to monitor progress on this important recommendation and provide appropriate levels of challenge to partners where necessary.
- 5.5 In summary, the CSIB recognises the enormous amount of work that has been undertaken to develop and begin implementation of the Learning and Improvement Plan. Officers have provided detailed and timely reports to the Board with clear RAG rating on the plan and a comprehensive data set which has become increasingly reliable. Management actions relating to areas of slower progress are becoming more clearly focused on resolution rather than commentary and there is evidence of a more rigorous approach to improvement. Nevertheless, there is still a long way to go to secure the scale of improvement required and this is recognised by the senior leadership team and the Board.

## 6. EQUALITY IMPACT ASSESSMENT

- 6.1 Whilst an EIA has not been completed in compiling this report, CSIB members do focus on making sure that the needs of some of the most vulnerable children and young people are met in a timely and appropriate way.

## 7. LEGAL IMPLICATIONS

- 7.1 There are no known legal implications.

## 8. FINANCIAL IMPLICATIONS

- 8.1 The CSIB has no budgetary responsibility.

## 9. BACKGROUND PAPERS

- Minutes of CSIB meetings
- The Children's Services Learning and Improvement Plan highlight reports and data set and reports by other officers to the CSIB have been used to complete this report.

## Appendix 1

### Reading Borough Council Children's Services Improvement Board

#### Objectives for the CSIB

The main objectives for the Board are to ensure that:

- System wide leadership is in place and creates the conditions for effective partnership working and practice which will make a difference to children and young people who fall under responsibility of Reading Borough Council;
- There is a golden thread of oversight from 'top to bottom' with a clear line of sight between leaders, practitioners and children;
- The voice of the child informs everything that the children's services in Reading Borough Council does;
- There are robust and effective quality assurance framework in place to support the Improvement Plan;
- Impactful support and challenge from the board with a clear oversight of the improvement plan and subsequent outcomes for children, young people and families is welcomed and embedded; and
- It supports Reading Borough Council to be a confident learning organisation.

## READING BOROUGH COUNCIL

### REPORT BY DIRECTOR OF ADULT CARE & HEALTH SERVICES

TO:	ADULT SOCIAL CARE, CHILDREN'S SERVICES AND EDUCATION COMMITTEE		
DATE:	20 MARCH 2017	AGENDA ITEM:	11
TITLE:	ADULT CARE AND SUPPORT CHARGING AND FINANCIAL ASSESSMENT FRAMEWORK 2017/18		
LEAD COUNCILLOR:	COUNCILLOR EDEN	PORTFOLIO:	ADULT SOCIAL CARE
SERVICE:	ADULT SOCIAL CARE	WARDS:	ALL
LEAD OFFICER:	STEVE SAUNDERS	TEL:	0118 937 3284
JOB TITLE:	PRINCIPAL PERSONAL BUDGET SUPPORT OFFICER	E-MAIL:	<a href="mailto:Stephen.saunders@reading.gov.uk">Stephen.saunders@reading.gov.uk</a>

#### 1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

1.1 Reading Borough Council consulted on and implemented a Charging and Financial Assessment Framework as part of implementing the Care Act 2014 in Reading. The Act and associated Regulations and Guidance set out the principles and rules on Charging and Financial Assessment which all Councils needed to follow, and set out the discretionary elements which Councils could decide on locally.

The Council's Adult Care and Support Charging and Financial Assessment Framework, implemented in April 2015 and subsequently revised in April 2016, incorporated some of the local decisions made in the Councils previous charging policies - such as the Fairer Charging Policy for Adult Care and Support.

The impact of significantly reduced government funding means Councils are currently facing an unprecedented financial challenge and subsidising of services, such as those listed in this report is no longer affordable. Many Councils are reviewing services to identify where changes can be made so they can continue to run within significantly reduced budgets. These reviews are critical to ensure Councils are financially sustainable in the coming years.

In Reading, Adult Care has been undergoing a Transformation Programme to do just that, and as part of this programme, a review of the Adult Care and Support Charging and Financial Assessment Framework is taking place. Four proposed changes went out for public consultation on 13<sup>th</sup> December for 90 days.

- 1.2 This report and its appendices detail the proposed changes to the Adult Care and Support Charging and Financial Assessment Framework in light of the associated Consultation and Equalities Impact Assessment. The proposed changes, if agreed and fully realised, would result in estimated additional annual income of £605,336.

## 2. RECOMMENDED ACTION

That ACE Committee approves the revised Adult Care and Support Charging and Financial Assessment Framework including each of the following proposed changes:

- 2.1 Removing allowances and disregards from the Financial Assessment.
- 2.2 Charging for Assistive Technologies and Telecare.
- 2.3 Changing our charging policy on respite breaks/short stays in registered care homes.
- 2.4 Charging for meals and refreshments provided at council day centres.
- 2.5 Backdating charging to when the care service began.
- 2.6 Amendment to the administration fee for Deferred Payments and Interim Funding.
- 2.7 Amendment to the administration fee for Self Funders.
- 2.8 Clarity on how charges for support will be calculated and reconciled.
- 2.9 Charge for service from the Community Reablement Team (CRT) after the service users goals have been met.
- 2.10 Review of the provision of Independent Financial Information and Advice.

## 3. POLICY CONTEXT

### 3.1

- Care Act 2014, sections 14, 17, 69 and 70.

Within this statutory framework, the Council has the flexibility to implement a charging and financial assessment policy taking local circumstances into account.

- Adult Social Care Transformation Programme.

Includes projects aimed at delivering adult social care in the most efficient and cost effective way whilst meeting our statutory obligations.

- RBC Care and Support Charging and Financial Assessment Framework, effective from 1<sup>st</sup> April 2015.

This is the local policy put in place following public consultation on ASC charging at the end of 2014/start of 2015.

- Provision of Free Preventative and Carer Support Policy, agreed at March ACE Committee 2015

This sets out the adult social care services the Council offers free of charge to people with support needs, whether or not they are eligible for adult care services.

## 4. PUBLICLY CONSULTED PROPOSED AMENDMENTS TO THE ADULT CARE AND SUPPORT CHARGING AND FINANCIAL ASSESSMENT FRAMEWORK

### 4.1 Removing allowances and disregards from the Financial Assessment.

- a. Treatment of income from borders and lodgers - Proposal to remove the current disregard of the first £20 of income from borders and lodgers.
- b. Allowances for housing costs - Proposal to consider actual costs of rent (net of benefit), mortgage payment (net of benefit), Council Tax (net of benefit) and consider Life Insurance and Buildings and contents insurance expenses as part of everyday living costs covered within the Minimum Income Guarantee.
- c. Assessment of couples (adults who live with a spouse/partner) - If someone has a partner they live with, proposal to assess their individual financial situation (including 50% of any joint income and joint capital assets). We propose to offer an affordability check to them and their partner to ensure that the assessed charge does not leave them and their partner's combined financial situation below minimum income levels. If the affordability calculation indicates that the charge would bring joint financial resources below minimum income levels we would make an allowance in their individual financial assessment to lower their charge to a level that is affordable.
- d. Treatment of disability benefits and disability related expenses (DRE) - For people who receive any Attendance Allowance (AA) or Disability Living Allowance (DLA) or Personal Independence Payment (PIP) we propose applying a standard Disability-related expense in their financial assessment of £5 per week unless a full disability-related expense assessment is requested. We propose making some small amendments to our local Disability-Related Expense (DRE) Guidance - although these are still in line with Care Act Regulations, Statutory Guidance and national best practice<sup>1</sup>.

Estimated additional income to Reading Borough Council - £423,000 per annum

Things to consider - More service users would be assessed to pay something towards services (estimated increase from 54% to 68%).

People with low incomes and savings will not be affected by these changes.

### 4.2 Assistive Technologies and Telecare.

If we arrange a Telecare system to be installed (such as sensors & alarms linked to a phone system to alert in an emergency) we propose to include the ongoing Telecare service cost as part of a Personal Budget for care and support - which is subject to a financial assessment of someone's ability to pay for their services. We will continue to provide other preventative services as per the Provision of Free Preventative and Carer Support Policy (agreed at March ACE Committee 2015).

Estimated additional income to Reading Borough Council - £7,000 per annum

Things to consider - Inclusion in and therefore means tested charging against a Personal Budget will bring Telecare in line with other ongoing care services.

### 4.3 Respite breaks/short stays in registered care homes

If a care and support plan includes a short stay in a registered care home (e.g. for planned respite care), the proposal is to charge (subject to a financial assessment of

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<sup>1</sup> National Association of Financial Assessment Officers Best Practice Guides



someone's ability to pay) the cost of the care home. They would pay the lower of the full cost of the care home accommodation or their Assessed Maximum Weekly Charge (if any).

Estimated additional income to Reading Borough Council - £25,788 per annum

Things to consider - Any possible increase in income may be reduced if some people choose not to access respite or arrange and pay privately.

#### 4.4 Meals and refreshments provided at council day centres.

For attendance at one of our day centres, we propose charging for meals and refreshments separately. People would be charged either:

- the full cost day centre rate (EXCLUDING the cost of meals/refreshments); or
- their 'Assessed Maximum Weekly Charge' (if any) for non-residential care if this amount is lower than the full cost AND if attendance at a day centre is part of their care and support plan to meet eligible need(s).

AND, a small flat-rate charge to cover the cost of meals and refreshments (paid to the day centre).

Estimated additional income to Reading Borough Council - £27,378 per annum

Things to consider - Risk of slightly lowered attendance as for some, meals will no longer be free.

#### 4.5 Consultation outcome.

Appendix 1 - Consultation Report March 2017 details the consultation. This report is published shortly prior to the close of the consultation. In the event that any further consultation responses are received, an updated report will be presented.

The consultation generated 37 written responses in the form of hard copy or online survey returns and separate correspondence on the consultation issues. In addition, verbal feedback was taken following presentation of the consultation questions at meetings. Feedback was generally in favour of the proposed amendments to the Adult Care and Support Charging and Financial Assessment Framework. It was seen as necessary for RBC to make these amendments to be able to continue to fund services in the future. There were some concerns over people already using their disability benefits to top up their care costs and the effect the policy changes could have on future uptake of services.

## 5. OTHER PROPOSED AMENDMENTS TO THE ADULT CARE AND SUPPORT CHARGING AND FINANCIAL ASSESSMENT FRAMEWORK

### 5.1 Backdating charging to when the care service began.

We currently choose to apply any means tested charge from the day the Financial Assessment is completed. The proposal is to apply any means tested charge from the start date of the care and support service. The application of the charge from the start date of the service would be applied to all people who have a new care and support service starting from 1<sup>st</sup> April 2017.

Estimated additional income to Reading Borough Council - £100,000 per annum

Things to consider - The Department of Health expects local authorities to avoid creating large and unexpected bills for people. Consideration will need to be given to cases where there has been a significant delay in completing their Financial Assessment.

## 5.2 Amendment to the administration fee for Deferred Payments and Interim Funding.

The Care Act allows Local Authorities to charge a fee to cover the costs they incur in operating Deferred Payment schemes. This may include legal fees (including the cost of peoples' time in drawing up the legal documents), Land Registry fees, asset valuation fees, and 'other administration costs' including postage, printing, overheads and peoples' time in setting up and maintaining the arrangements.

The proposed new legal and administration fees are based on average timings and costs for Deferred Payment/Interim Funding cases that have been processed since April 2015, and have been benchmarked against both comparator Local Authorities and neighbouring Local Authorities.

The Council's Legal Services department costs for a 'basic' Deferred Payment Agreement (DPA) are £400. (The published basic legal fee for 2015/16 and 2016/17 is £300). The Council's published example of legal fees for a 'basic' Deferred Payment Agreement is proposed to reflect the £400 cost from 1<sup>st</sup> April 2017.

It is proposed that the Council increases 'Other Administration Fees' as follows:

- Increase the Administration Set-up Fee for a DPA from £83.00 to £135.00. (This would bring the cost of setting up a 'basic' DPA to £535 from 1<sup>st</sup> April 2017, exclusive of Land Registry fees and valuation fees. An increase from £433).
- Increase the Annual Administration Fee for DPAs and Interim Funding from £100.00 to £225.00.

Estimated additional income to Reading Borough Council - £3,520 per annum

Things to consider - Estimated additional income may be lower if more people make alternative private care home funding arrangements instead.

## 5.3 Amendment to the administration fee for Self Funders.

The Care Act allows Local Authorities to apply an administration fee to cover its costs. Current fees: Set up fee: £182. Ongoing annual fee: £65.

Administration costs for self funders have been reviewed. New fees calculated by estimating time per year to source care options, confirm arrangements, generate a purchase order, set up client invoicing, pay invoices to care providers, ongoing client invoicing, amendments to care arrangements (change to hours, schedule or care provider), suspensions/restarts of care, client invoicing queries and reconciliation of charges. Proposed new fees: Set up fee: £250. Ongoing annual fee: £200.

This has been benchmarked against other Local Authorities and these fees are lower than those of Bracknell, Hampshire and Wokingham.

Estimated additional income to Reading Borough Council - £8,650 per annum

Things to consider - Estimated additional income may be lower if people instead choose to arrange their own support.

#### 5.4 Clarity on how charges for support will be calculated and reconciled.

Proposed wording to be added to the Charging and Financial Assessment Framework for Adult Care and Support:

‘Where applicable, your assessed contribution will be applied to the contract agreement between the Council and the provider of your service. These contracts set out the circumstances under which providers can claim payment for services not provided to you. You can check the cancellation process and notice periods required with your Social Care Worker when you are planning your care and support.’

Estimated additional income to Reading Borough Council - £10,000 per annum

Things to consider - Adding this to the Adult Care and Support Charging and Financial Assessment Framework will assist with dispute resolution.

#### 5.5 Charge for service from the Community Reablement Team (CRT) after the service users goals have been met.

Once CRT goals have been met, if the service from the carers does not end, an hourly cost of the service is applied. The service user will be financially assessed to means test whether they should make a contribution towards this care. The proposal is for different hourly rates to be applied to the continuation of the service dependant on the circumstance.

1. If Reading Borough Council is making arrangements for ongoing care an hourly rate of £16.88 is applied for care from CRT in the meantime. (£16.88 is the average cost of our Home Care Framework)
2. If the client is self-funding and wants to make their own future care arrangements and if, after a reasonable period of notice care arrangements haven't been made, an hourly rate of £37.55 will be applied to any care provided by CRT after that point.

£37.55 is the actual hourly cost of the carers as reablement carers are trained to very high standards to perform reablement work. This will allow CRT carers to be freed up to help other people meet their reablement goals.

Estimated additional income to Reading Borough Council - Negligible

Things to consider - Not anticipated that anyone would pay the higher rate for any extended period of time.

#### 5.6 Review of the provision of Independent Financial Information and Advice.

Proposal to continue the working partnership with My Care My Home to provide Reading Borough residents with independent financial information and access to regulated financial advice in respect of paying for care and support. New Memorandum of Understanding can be drawn up ready to be in place from 1<sup>st</sup> April 2017.

Estimated additional income to Reading Borough Council - £0

Things to consider - Current provision comes at nil cost to Reading Borough Council.

A copy of the full revised Adult Care and Support Charging and Financial Assessment Framework is available on this link to Appendix 2 - Charging and Financial Assessment Framework DRAFT April 2017 <http://www.reading.gov.uk/article/9654/Adult-Social-Care-Childrens-Services-and-Education-Committee-20-MAR-2017> on the Reading Borough Council website and a paper copy is available on request.

## 6. CONTRIBUTION TO STRATEGIC AIMS

### 6.1 Aim 1. Safeguarding and protecting those that are most vulnerable;

The changes proposed are intended to continue to meet the fundamental principles of charging and financial assessment set out in the Care Act 2014 - That is to :-

1. ensure that people are not charged more than it is reasonably practicable for them to pay for care and support;
  2. be comprehensive - to reduce variation in the way people are assessed and charged;
  3. be clear and transparent - so people know what they will be charged;
  4. apply the charging rules consistently - so those with similar needs or services are treated the same and minimise anomalies between different care settings;
- and

Aim 6. Remaining financially sustainable to deliver these service priorities.

5. be sustainable for the Council in the long-term.

## 7. COMMUNITY ENGAGEMENT AND INFORMATION

7.1 Section 138 of the Local Government and Public Involvement in Health Act 2007 places a duty on local authorities to involve local representatives when carrying out "any of its functions" by providing information, consulting or "involving in another way".

7.2 A public engagement exercise has raised awareness of the changes proposed to the Council's Adult Social Care charging policies, providing the opportunity to address queries and concerns about how these changes will be applied, and obtain community feedback to inform how Reading Borough Council should apply the discretionary charging powers conferred on local authorities by the Care Act.

7.3 A public 90 day consultation has been completed to seek the public's views on 4 of the proposals set out in this report.

## 8. EQUALITY IMPACT ASSESSMENT

8.1 Members are under a legal duty to comply with the public sector equality duties set out in the Equality Act 2010. In order to comply with these duties, Members must seek to prevent discrimination, and protect and promote the interests of 'protected' groups.

8.2 An equality analysis has been prepared, so that Members can give conscious and open minded consideration to the impact of the equality duty before

implementing a new Adult Care and Support Charging and Financial Assessment Framework. Appendix 3 - Equality Impact Assessment indicates that the proposed changes could have a disproportionate adverse impact on people with disabilities and older adults. Monitoring of the use of assistive technology, day centres and respite/short stays would be necessary to check whether any policy changes were having a detrimental effect on the uptake or attendance of services.

## 9. LEGAL IMPLICATIONS

### 9.1

- As well as introducing a number of new duties, the Care Act confers a series of powers on local authorities in relation to the provision of Adult Social Care, including when and how charges may be applied.
- Section 14 of the Care Act 2014 gives local authorities the power to charge for care and support provided to adults.
- Where local authorities exercise their discretion under Section 14 of the Care Act to charge adults for care and support services provided, Section 17 of the Act specifies the duty to carry out a financial assessment of the adult's ability to pay for those services provided to them. The Care and Support (Charging and Assessment of Resources) Regulations 2014 and guidance on Charging and Financial Assessment should be adhered to when developing charging policies.
- The exercise of a power by a local authority involves local discretion, so it is the adoption of local policy to describe how this discretion will be exercised which gives the Council a full and proper mandate to act. The public consultation will inform how Reading Borough Council exercises its charging discretions under the Care Act with effect from April 2017, so providing clarity and certainty.

## 10. FINANCIAL IMPLICATIONS

- 10.1 The review of the Adult Care and Support Charging and Financial Assessment Framework is part of a Fees and Charges project with an income target of £600,000 in 2017/18. The proposed changes, if agreed and fully realised, would result in estimated additional annual income of £605,336.

## 11. APPENDICES

11.1 Appendix 1 - Consultation Report March 2017

11.2 Link to Appendix 2 - Charging and Financial Assessment Framework DRAFT April 2017 - <http://www.reading.gov.uk/article/9654/Adult-Social-Care-Childrens-Services-and-Education-Committee-20-MAR-2017>

11.3 Appendix 3 - Equality Impact Assessment

# Adult Care and Support Charging and Financial Assessment Framework 2017/18 Consultation Report - March 2017

## Executive Summary

Reading Borough Council (RBC) has run a public consultation from 13<sup>th</sup> December 2016 to 13<sup>th</sup> March 2017 on proposed changes to the Adult Care and Support Charging and Financial Assessment Framework. The proposals were to remove allowances and disregards from the Financial Assessment, add assistive technology/Telecare costs to Personal Budgets, remove the standard minimal charge from respite breaks/short stays in registered care homes and a flat rate charge for meals and refreshments provided at Council run day centres.

This report is published shortly prior to the close of the consultation. In the event that any further consultation responses are received, an updated report will be presented.

The consultation generated 37 written responses in the form of hard copy or online survey returns and separate correspondence on the consultation issues. In addition, verbal feedback was taken following presentation of the consultation questions at meetings.

Feedback was generally in favour of the proposed amendments to the Adult Care and Support Charging and Financial Assessment Framework. It was seen as necessary for RBC to make these amendments to be able to continue to fund services in the future.

The Council has considered the consultation responses carefully, recognising its duties of care to social care users, its responsibilities as a public sector body under the Equality Act 2010 and to ensure we meet the fundamental principles of charging and financial assessment set out in the Care Act 2014.

## What are the proposals?

Although most of the rules around financial assessments and charging for social care are set nationally, there are some areas where we can make local decisions. There are four proposed amendments to these local decisions:

### Removing allowances and disregards from the Financial Assessment.

a. Treatment of income from borders and lodgers - Proposal to remove the current disregard of the first £20 of income from lodgers.

b. Allowances for housing costs - Proposal to consider actual costs of rent, mortgage payment, Council Tax (all net of benefit) and consider Life Insurance and Buildings and contents insurance expenses as part of everyday living costs covered within the Minimum Income Guarantee, these had previously been disregarded.

c. Assessment of couples (adults who live with a spouse/partner) - If someone has a partner they live with, proposal to assess their individual financial situation with an affordability check to ensure that the assessed charge does not leave them and their partner's combined financial situation below minimum income levels. Previously we had offered a choice as to whether we undertook an individual or couples assessment dependent on which would provide the most financially acceptable outcome.

d. Treatment of disability benefits and disability related expenses - we propose applying a standard Disability-related expense in their financial assessment of £5 per week unless a full disability-related expense assessment is requested.

### Assistive Technologies and Telecare.

We propose to include the ongoing Telecare service cost as part of a Personal Budget for care and support - which is subject to a financial assessment of someone's ability to pay for their services.

### Respite breaks/short stays in registered care homes.

If a care and support plan includes a short stay in a registered care home (e.g. for planned respite care), the proposal is to charge (subject to a financial assessment of someone's ability to pay) the cost of the care home.

### Meals and refreshments provided at council day centres.

We propose charging for meals and refreshments separately. The cost of attendance at day centres will remain means tested.

## How the consultation was carried out

The consultation was open to the general public, but targeted at current Reading non-residential social care users and their families or informal carers.

All Reading Adult Social Care users with a Personal Budget in place at the start of the consultation period were sent a personally addressed invitation to take part in the consultation. Those with an email address in the Mosaic electronic social care records system were sent an email reminder during the consultation period.

Notices about the consultation were also issued to members of relevant consultative forums, i.e.

- the Physical Disability and Sensory Needs Network
- the Carers Steering Group
- the Older People's Working Group
- the Access and Disabilities Working Group

Consultation material was available from the RBC website throughout the consultation period, and hard copies were available on request. The consultation material was also available in alternative languages and formats on request.

## Who responded to the consultation

There were a total of 37 written responses to the consultation, including online and paper copy survey returns plus separate correspondence on the consultation issues.

17% of written responses came from service users and 45% from family or friends of a service user. More than half of written responses came from people aged 45-64 (33% from the 45-54 age bracket and 28% from people aged 55-64). 72% of written responses were received from women.

Of those written responses which included an answer to the ethnic background question, more than three quarters were from people who identified themselves as White British. 5% of people identified themselves as Black or Black British, and 5% White - Any other White background. Half of written responses came from people who have a disability, long-term illness or health problem (12 months or more) which limits daily activities or the work they can do.



## What people had to say

### Removing allowances and disregards from the Financial Assessment

Remove the discretionary allowances and disregards - 25 people

Stay as we are - 10 people

Not answered - 4 people

Some respondents expressed concern over removing allowances and disregards from disability benefits and disability related expenses:

*'Disability allowances should be kept separate from any financial assessment and not be used to increase or cut charges. Disabilities benefits are given for a reason and a need and should not be an excuse to cut things.'*

*'In theory AA/DLA/PIP is supposed to be for personal care. But with reduction in council care package hours most recipients use the money to top up their care package and use is for the disability requirements.'*

Some respondents felt that if people have money they should pay towards their care:

*'if people do have money and access to funds (such as owning their own home), then it's right that they should contribute to the cost of their care.'*

### Assistive Technologies and Telecare

Add AT/Telecare costs to Personal Budgets - 30 people

Stay as we are - 5 people

Not answered - 2 people

One respondent was concerned about the effect charging for assistive technology may have:

*'This service helps to keep people in their own home so the cost to individual people needs to be looked at very carefully or they will need more care from other services which you are legally bound to cover.'*

### Respite breaks/short stays in registered care homes

Scrap the Standard Minimal Charge - 28 people

Stay as we are - 3 people

Not answered - 6 people

Some respondents expressed concern over the long term effects of ending the Standard Minimal charge for respite care:

*'If a carer does not get these breaks it will cost more in the long term as they may have to put who they are caring for in to a home permanently at more cost.'*

### Meals and refreshments provided at council day centres

Ask day service users to pay a flat rate for food and refreshments - 25 people

Stay as we are - 6 people

Not answered - 6 people

Some respondents expressed concern over charging for meals and refreshments:  
*'I think if you ask people to pay, some will, but it will ultimately lead to people not going to events/meetings/centres etc and then attendance will be so low it won't be worth running it at all'*

## How the Council could address concerns about the proposals

Ongoing monitoring of the use of assistive technology, day centres and respite/short stays would be necessary to check whether any policy changes were having a detrimental effect on uptake or attendance of services.

## Schedule of consultation meetings

Date	Meeting	No. of attendees
17.01.2017	Cornerstones Residents Meeting	10
03.02.2017	Older People's Working Group	50
06.03.2017	Carers Steering Group	10
09.03.2017	Access and Disabilities Working Group	10 (estimated)

# ***DRAFT*: Care and Support Charging and Financial Assessment Framework**

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# 1. Summary

Care and Support is not a free service like the NHS. While some types of care and support are free, many services are subject to a charge – based on what an individual can afford. Councils are required to carry out a financial assessment to work out what an individual can afford.

Contributions collected from individuals are reinvested in care and support services.

This Framework sets out the Council's policies for charging for care and support and follows the Care and Support Regulations and Statutory Guidance issued by the Government under the *Care Act 2014*.

If you would like this information in large print, braille, easy-read or in another language, please contact the Reading Adult Contact Team – the contact details are on the Council Web Site.

## 2. Legal Context

### The Care Act 2014 - Charging and Financial Assessment

*Section 14* of the *Care Act 2014* gives councils the power to charge adults for care and support. This applies where adults are being provided with care and support to meet needs identified under *Section 18*, *Section 19* or *Section 20* of the *Care Act 2014*. These needs are sometimes referred to as 'identified needs' or 'eligible needs'.

Councils must follow the regulations and guidance issued under the *Care Act 2014*. For example, in developing policies on charging and financial assessment, Councils must take note of the following documents:

- ❖ '*The Care and Support (Charging and Assessment of Resources) Regulations 2014*', which set out:
  - the power to charge for certain types of care and support;
  - the duty under section 17 of the Care Act to carry out a financial assessment if a council's policy is to charge for care and support;
  - rules on the treatment and calculation of income and capital within a financial assessment (including notional income and notional capital where a person has deliberately deprived themselves of an asset);
  - rules on minimum allowances to be given within a financial assessment;

- the power to charge costs of putting arrangements into place in specific situations
- ❖ '*The Care and Support and Aftercare (Choice of Accommodation) Regulations 2014*' which set out the rules on the provision of an individual's preferred accommodation.
- ❖ '*The Care and Support (Deferred Payment) Regulations 2014*' which set out the rules on when a council must enter into a Deferred Payment Agreement with an individual, and when a council is permitted to enter into a Deferred Payment Agreement with an individual, for deferring part of their ongoing care and support costs. The Regulations also set out a council's power to charge interest and administration costs of running the Deferred Payment Scheme.
- ❖ '*Care and Support Statutory Guidance*'<sup>1</sup>, issued by the Department of Health giving detailed guidance to councils on all aspects of the *Care Act 2014*, including '*Charging and Financial Assessment*' (Chapter 8, and Chapter 9 '*Deferred Payments*') and associated Annexes to the Guidance, for example:
  - *Annex A: 'Choice of Accommodation and Additional Payments'*
  - *Annex B: 'Treatment of Capital'*
  - *Annex C: 'Treatment of Income'*
  - *Annex D: 'Recovery of Debts'*
  - *Annex E: 'Deprivation of Assets'*
  - *Annex F: 'Temporary and short term residents in Care Homes'*

The *Care Act 2014* replaced many previous Acts, Regulations and Guidance for adult social services, including those that related to charging and financial assessment for care and support. *Chapter 23* of the '*Care and Support Statutory Guidance*' gives information about the transition from the old legislation to the new legislation under the *Care Act 2014*, including situations where previous arrangements continue - for example: Deferred Payment Agreements that were put in place on or before 31<sup>st</sup> March 2015.

## Future Changes to Care Funding (2020)

The Care Act 2014 also:

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<sup>1</sup> [www.gov.uk/guidance/care-and-support-statutory-guidance](http://www.gov.uk/guidance/care-and-support-statutory-guidance)

- Introduced a cap on care costs which limits how much people will pay toward their care and support needs over their lifetime.
- Increased how much capital (such as savings and investments) a person can have and still receive financial help with care and support costs.

The Government intends to implement the Care Funding changes in 2020<sup>2</sup>. There is more information about the Care Funding reforms on the website <http://careact2016.dh.gov.uk/> .

This Framework will be updated once the Council has further details from the Government about these changes.

## 3. Principles of this Framework

### The Development and Review of this Charging and Financial Assessment Framework

In 2014 the Council developed a Charging and Financial Assessment Framework as part of implementing The Care Act in Reading.

During 2016, alongside many other reviews to maximise income to the Council to fund services, the Council reviewed this Charging and Financial Assessment Framework to propose some changes to maximise the contributions from individuals towards the cost of the care and support services funded by the Council.

The Council sought views on the proposed changes during a 90-day community consultation which ran from December 2016 to March 2017. You can view the 'Adult Social Care Charging and Financial Assessment Review Consultation Report' on the Council's website: [www.reading.gov.uk](http://www.reading.gov.uk)

This Charging and Financial Assessment Framework was approved by the **xxxx Committee** on **xx2017** and was implemented from April 2017.

The Framework is reviewed annually as set out later in this document at section [13. Reviewing this Charging and Financial Assessment Framework Document](#)

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<sup>2</sup> In July 2015 the government announced that implementation of Funding Reforms would be delayed from 2016 to 2020. This announcement can be viewed at [www.gov.uk/government/publications/delay-in-the-implementation-of-the-cap-on-care-costs](http://www.gov.uk/government/publications/delay-in-the-implementation-of-the-cap-on-care-costs)

## National Principles of Charging and Financial Assessment

This Charging and Financial Assessment Framework has been developed to meet national principles to:

- ensure that people are not charged more than it is reasonably practicable for them to pay for care and support;
- be comprehensive - to reduce variation in the way people are assessed and charged;
- be clear and transparent - so people know what they will be charged;
- promote wellbeing, social inclusion, and support the vision of personalisation, independence, choice and control;
- support carers to look after their own health and wellbeing and to care effectively and safely;
- be person-focused - reflecting the variety of care and caring journeys and the variety of options available to meet their needs;
- apply the charging rules consistently - so those with similar needs or services are treated the same and minimise anomalies between different care settings;
- encourage and enable those who wish to stay in or take up employment, education or training, or plan for the future costs of meeting their needs to do so; and
- be sustainable for the Council in the long-term.

## 4. Care and Support Services provided free of charge

Assessments of need and care planning are always provided free of charge, and Councils are not permitted to charge for any service or part of service which the National Health Service (NHS) is under a duty to provide - this includes Continuing Healthcare and the NHS contribution to Registered Nursing Care.

All councils must provide the following care and support services **free of charge**:

- **Intermediate Care - including reablement** - which offers a short period<sup>3</sup> of intensive therapies and support from health and social care professionals to help people promote or regain their independence

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<sup>3</sup> Intermediate Care Services are only provided for a short period of time - which may continue up to 6 weeks without charge.

- **community equipment and minor adaptations**<sup>4</sup> - small items of equipment or gadgets or small modifications designed to help you stay active and carry out everyday tasks without help from others
- care and support provided to people with Creutzfeldt-Jacob Disease
- After-care services/support provided under section 117 of the Mental Health Act 1983

The Council has also chosen to provide the following services free of charge:

- Carer services provided directly to carers to meet carers identified needs<sup>5</sup>
- 'Preventative' services<sup>6</sup> provided directly by the Council to prevent or delay care needs becoming more serious (for example training to self-manage a health condition, or stress-management training for carers)

## 5. Chargeable Care and Support Services

Charges for the following services are based on an assessment of your financial situation - for details see our [CARE AND SUPPORT FINANCIAL ASSESSMENT POLICY](#)

### Permanent care home accommodation

If you have capital **above** the Upper Capital Limit<sup>7</sup> we will assess you as being able to pay the full charge for your care home accommodation. If your capital is mostly due to a property asset, there are rules around whether this counts within your capital assets.

If your capital is **below** the Upper Capital Limit, we will carry out a financial assessment to work out your Assessed Weekly Charge for care home accommodation.

See [FINANCIAL ASSESSMENT AND CHARGING FOR CARE HOME ACCOMMODATION](#)

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<sup>4</sup> A minor adaptation is one costing £1,000 or less

<sup>5</sup> These are support services provided under *Section 20 of The Care Act 2014*

<sup>6</sup> These are services provided under *Section 2 of The Care Act 2014*. The Care and Support (Preventing Needs for Care and Support) Regulations 2014 give further information.

<sup>7</sup> See [Appendix B - Capital Limits Schedule](#) for the current Upper Capital Limit

## Short Term / Respite stay(s) in care home accommodation (up to 28 nights per year)

If you have capital **above** the Upper Capital Limit<sup>8</sup> we will assess that you are able to pay the full cost of your Short Term/ Respite stay in care home accommodation. See also [Administration Fees of arranging care and support](#)

If your capital is **below** the Upper Capital Limit, we will carry out a financial assessment using Financial Assessment and Charging rules for [Non Residential Care and Support](#) to see how much, if anything, you need to pay.

If your short term / respite stays exceeds 28 nights during a year we will re-assess your contribution to care home accommodation from 29<sup>th</sup> night using the Financial Assessment and Charging rules for Temporary Stays (see below).

## Temporary stay(s) in care home accommodation (including respite/short stays exceeding 28 nights during a year).

If you have capital **above** the Upper Capital Limit<sup>9</sup> we will assess that you are able to pay the full cost of your temporary stay in care home accommodation. See also [Administration Fees of arranging care and support](#)

If your capital is **below** the Upper Capital Limit we will carry out a financial assessment to work out your Assessed Weekly Charge for your temporary accommodation using the national rules for temporary residents. See [Temporary Stays in care homes](#)

## Non-residential Care and Support

'Non-residential care and support' means the care and support services you need to help you stay living safely in your own home and involved in community activities.

Depending on your financial situation you may be asked to contribute towards your non-residential care and support.

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<sup>8</sup> See [Appendix B - Capital Limits Schedule](#) for the current Upper Capital Limit

<sup>9</sup> See [Appendix B - Capital Limits Schedule](#) for the current Upper Capital Limit, For general information about Capital Limits see [Capital Limits](#)

If you have capital **above** the Upper Capital Limit<sup>10</sup> we will assess that you are able to pay the full cost of your care and support services that you need to help you stay living safely in your own home and involved in community activities. See also [Administration Fees of arranging care and support](#)

If your capital is **below** the Upper Capital Limit we will carry out a financial assessment to work out your 'Assessed Maximum Weekly Contribution' for non-residential care and support services. See [FINANCIAL ASSESSMENT AND CHARGING FOR NON-RESIDENTIAL CARE AND SUPPORT](#)

- If your 'Assessed Maximum Weekly Contribution' is nil (zero), you will NOT need to pay towards your non-residential care and support services.
- If your 'Assessed Maximum Weekly Contribution' is more than zero, you will either pay:
  - your 'Assessed Maximum Weekly Contribution', OR
  - the full cost of your care and support if this is less than your 'Assessed Maximum Weekly Contribution'.

Examples of non-residential care and support arranged through the Council could include:

- care and support provided to you in your home, including home care and/or a personal assistant;
- care and support provided to you to help you go out in the community;
- care and support provided to you through day activities such as attending a day centre;
- care and support provided in Supported Living accommodation, including in Shared Lives schemes;
- care and support provided to you in extra care housing;
- assistive technology services (for example, telecare monitoring services - such as for pendant alarms, environmental sensors and health monitors)
- short term stays in a care home (for example, for respite) of up to 28 nights
- Direct Payments<sup>11</sup> paid to you to arrange any of the services above

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<sup>10</sup> See [Appendix B - Capital Limits Schedule](#) for the current Upper Capital Limit

<sup>11</sup> Direct Payments are where the Council pays you money that you need to pay for your care and support so that you can arrange your own services and pay the provider directly.



If your social care assessment shows that you have ongoing eligible care and support needs you will be allocated a 'Personal Budget' so you can choose the care and support services you need. When working out your actual weekly charge, your 'Assessed Maximum Contribution' is compared to the average weekly cost over the year for your Personal Budget.

#### Notice periods for cancelling non-residential services

Where applicable, your Assessed Maximum Contribution will be applied to the contract agreements between the Council and the provider(s) of your service(s). These contracts set out the circumstances under which providers can claim payment for services not provided to you. You can check the cancellation process and notice periods required with your social care worker when you are planning your care and support.

## 6. Administration Fees and Interest Charges for Care and Support

### Arrangement Fees for non-residential care and support services

If you have capital above the Upper Capital Limit, or you have refused a full financial assessment you will be liable for the full cost of your non-residential care and support services.

If you ask us to set up, arrange and manage your care and support services we will ask you to agree, in writing, to pay the full cost of your care and support plus the following arrangement fees:

#### ❖ A Set-Up Arrangement Fee

This may include a proportion of the cost of:

- Identifying appropriate providers of care and support
- Negotiating rates and times for care to be delivered with individual providers
- Putting contracts into place for the care and support service

- Setting up methods of payment for you to pay these care costs - for example Direct Debit

### ❖ An Annual Arrangement Fee

This is to cover a proportion of the costs of:

- Paying your care and support providers
- Dealing with any queries relating to your services
- Monitoring your service to ensure service providers are providing the support agreed.
- Invoicing you for the cost of your care and our administration fees and collecting this money from you

We review our arrangement fees every year and these will never be more than the costs we incur - see [Appendix A - Schedule of Fees and Charges](#) for details.

## Interest and Administration Charges for Deferred Payment Agreements

If you apply for and accept an offer of a Deferred Payment Agreement with the Council we will charge you:

### ❖ A Set-Up Fee to put the Deferred Payment Agreement in place

This may include a proportion of, or all of, the following costs:

- the costs incurred in drawing up the legal agreement (the Deferred Payment Agreement itself) including the cost of people's time;
- legal costs and Land Registry fees of securing a charge against the financial asset that is offered as security within the Deferred Payment Agreement (usually a legal charge on a property);
- asset valuation fee;
- other administration costs (such as postage, printing, photocopying, overheads, and the cost of peoples' time in relation to putting the arrangements into place.

## ❖ An Annual Administration Fee for your Deferred Payments

This is to cover a proportion of the following costs:

- arranging the contract and payments to your care provider;
- monitoring the level of your deferred payments and sending you a regular statement;
- monitoring the requirements of the Deferred Payment Agreement to ensure the terms and conditions are being followed

## ❖ Other Administration Fees from time to time during the term of your Deferred Payment Agreement

If we need to carry out additional tasks relating to your Deferred Payment Agreement - we will tell you what is needed and estimate the extra cost that would be re-charged to you after the task is carried out.

For example - the cost of periodically re-valuing your financial asset that is being used as security against your deferred payments.

## ❖ Interest on Deferred Payments

From the start date of your Deferred Payment Agreement we charge:

- interest on your accommodation costs deferred under your Deferred Payment Agreement
- interest on your set-up fees, annual fees and other administration fees (unless you have requested to pay those charges separately when they are incurred instead of deferring them - provided that this is stated in your Deferred Payment Agreement)

The interest charged is compounded - this means that interest is charged on the interest that has already been added to your deferred payment.

Compound interest is charged on the balance of your deferred payment until the deferred payment is repaid and your Deferred Payment Agreement ended.

Details of deferred payment administration fees and interest charges are set out in [Appendix A - Schedule of Fees and Charges](#) .

The interest rate is set for six-month periods running from 1 January - 30 June and 1 July - 31 December each year. The interest rate may change from one period to the next in line with Government borrowing rates<sup>12</sup>. We will give you notice of those changes as required by the Care and Support statutory guidance.

We review our set-up fees and annual fees every year. These will never be more than the costs we incur.

## Interest and Administration Charges for Interim Funding

If you are applying to become a legal representative of someone needing to defer the full care home costs and the Council has agreed an Interim Funding arrangement with you, we will charge:

### ❖ An Annual Administration Fee

This is to cover a proportion of the following costs:

- arranging the contract and payments to the care provider;
- monitoring the level of the accruing accommodation costs and sending you a regular statement.

When you obtain legal authority to arrange a longer-term financial arrangement for the person you act for - the annual administration fee would be replaced by Deferred Payment Agreement fees if you enter into a Deferred Payment Agreement with the Council.

### ❖ Interest on Interim Funding

From the start date of the Interim Funding arrangement we charge:

- interest on the accruing accommodation costs at the same rate as for Deferred Payment Agreements
- interest on the administration fee (where this is accrued) at the same rate as for Deferred Payment Agreements

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<sup>12</sup> The interest rate tracks the market gilts rate specified in the most recently published report by the Office of Budget Responsibility (OBR) plus a 0.15% default component.

The interest charged is compounded - this means that interest is charged on the interest that has already been added to the balance of accrued accommodation costs (and administration costs where these apply).

Details of administration fees and interest charges for Interim Funding arrangements are set out in [Appendix A - Schedule of Fees and Charges](#)

## 7. Mental Capacity to Manage Finances

The Mental Capacity Act 2005<sup>13</sup> sets out people's rights and what happens when a person has lost the capacity to manage or make decisions about their finances. It also sets out how you can plan ahead to appoint someone, while you have capacity, to make decisions for you in the future if you lose capacity.

### Individuals who lack capacity to manage their finances

#### If you act for someone as an attorney or deputy:

If you are legally-appointed to act for someone we are arranging ongoing care and support for, who lacks mental capacity to manage their finances, you must provide us with:

- evidence of your legal authority to act as the financial representative for that person - such as a copy of :
  - a registered Lasting Power of Attorney; or
  - a registered Enduring Power of Attorney; or
  - a Court document appointing you deputy
- any financial information required to carry out a financial assessment for the person needing care and support

We will then:

- send you any correspondence addressed to the person you represent
- require you to sign any financial documents or contracts on behalf of the person you represent

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<sup>13</sup> For further information see [www.gov.uk/government/publications/making-decisions-who-decides-when-you-cant](http://www.gov.uk/government/publications/making-decisions-who-decides-when-you-cant)

- require you to settle any invoices for care charges raised in the name of the person you represent

### **If you intend to act for a person with care and support needs who lacks mental capacity to manage their finances:**

You should ask the Department for Work and Pensions (DWP) to appoint you to deal with the state benefits for that person (an 'appointee for benefits').

An 'appointee for benefits' has authority to deal with state benefits only for that person and may not have access to other financial income or assets records belonging to that person. Where state benefits are the only source of income, and there are no other financial assets (such as savings, investments, property) it will usually be possible for a financial assessment to be completed.

If the person who lacks mental capacity has other assets (such as private income, savings, investments, property) a suitable representative will need to make an application to the Court of Protection to become a deputy to be able to deal with that person's financial and property affairs.

This representative could be a family member or friend or solicitor. If no suitable representative can be identified, the Council will make the application to the Court of Protection to become deputy.

If you have applied to the Court of Protection, or you intend to apply to the Court of Protection to become a deputy, you should apply to the Department for Work and Pensions to manage the person's state benefits - we can give you information about this.

If we arrange care and support for a person who lacks capacity to manage their finances we will ask you to tell us what steps you are taking to become legally appointed. We ask you to confirm this in writing to confirm your intent to become the legally-appointed financial representative.

While your application is in process:

- We will give you information about any potential charges for the care and support services arranged, the date these charges may start from and explain how we carry out financial assessments. If we have, or you are able to provide sufficient information about the persons financial situation we will complete a provisional financial assessment

- If we can complete a financial assessment we will send you invoices for any assessed non-residential care and support charges but allow for payment to be delayed until you receive legal authority to access the necessary accounts.
- If we can complete a financial assessment we may send you invoices for assessed care charges but allow for payment to be delayed until you receive legal authority to access the necessary accounts.
- If we can't complete a financial assessment for non-residential care and support we will defer the financial assessment until you have been appointed as the legal financial representative and you can provide the financial information we need. We will backdate any assessed charges to the date we tried to carry out a financial assessment.
- If the person you are acting for is moving to a care home, we may work out an interim charge based on their state benefits and send you invoices for that amount. Once you have legal authority to access the person's financial information we will complete the financial assessment. We will backdate the assessment to the date services started and make any adjustments at that time.
- If the person that you are applying to represent is moving to a care home and has capital resources above the Upper Capital Limit<sup>14</sup>, and/or property capital that is not disregarded, please read the [INTERIM FUNDING POLICY](#) within this Framework.

## Where can I get information or advice on becoming a financial representative?

See:

- Make decisions on behalf of someone [www.gov.uk/make-decisions-for-someone](http://www.gov.uk/make-decisions-for-someone)

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<sup>14</sup> See [Appendix B - Capital Limits Schedule](#) for the current Upper Capital Limit. For general information about Capital Limits see [Capital Limits](#)

- The Mental Capacity Act 2005  
[www.gov.uk/government/publications/making-decisions-who-decides-when-you-cant](http://www.gov.uk/government/publications/making-decisions-who-decides-when-you-cant)
- setting up and registering Lasting Power of Attorneys [www.gov.uk/lasting-power-attorney-duties](http://www.gov.uk/lasting-power-attorney-duties)
- registering existing Enduring Power of Attorneys [www.gov.uk/enduring-power-attorney-duties](http://www.gov.uk/enduring-power-attorney-duties)
- applying to the Court of Protection to become a deputy  
[www.gov.uk/become-deputy](http://www.gov.uk/become-deputy)
- Being appointed by the Department for Work and Pensions to manage state pension and benefits [www.gov.uk/become-appointee-for-someone-claiming-benefits](http://www.gov.uk/become-appointee-for-someone-claiming-benefits)

You can also find information on this on the NHS website [www.nhs.uk](http://www.nhs.uk) - on the Guide to Care and Support pages.

You can ring the Reading Adult Contact Team to ask for sources of information and advice on becoming a financial representative. Please see the Council's website for contact details [www.reading.gov.uk](http://www.reading.gov.uk)



## 8. Care and Support Financial Assessment Policy

This Financial Assessment Policy sets out the national and local rules that we use to work out how much an individual can afford to pay for care and support services arranged through the Council. It has been drawn up in accordance with 'The Care and Support (Assessment of Resources) Regulations 2014' and the 'Care and Support Statutory Guidance' which are issued under section 17 of the Care Act 2014.

### Part 1: Information that applies to all financial assessments across all care and support settings

#### What is a Financial Assessment for Care and Support?

A financial assessment is a way of looking at your financial situation to decide how much you can afford to pay towards your care and support. We won't ask you to pay more than this amount.

If you have capital assets above a certain limit (called the 'upper capital limit'), you are expected to pay the full cost of your care and support.

If your capital assets are less than the upper capital limit, we will ask you to tell us:

- how much money you have coming in (your income)
- how much money you have in savings, investments, property, land (your capital assets)

We then work out how much you need to keep to cover your expenses, and if you need to pay anything from your capital assets. We don't include earnings from paid work.

We use this information to calculate your 'Assessed Maximum Weekly Contribution'. This is the **most** you would be asked to pay towards your care and support. If your care and support costs less than your 'Assessed Maximum Weekly Contribution', you pay the lower amount.

If your income, savings or expenses change we will review your financial assessment. Your 'Assessed Maximum Weekly Contribution' will change when your financial situation changes (for example, if your income, savings or expenses change). We will review your financial assessment in line with your changes in circumstances.

If the service you receive is an 'After-care' support service provided under Section 117 of the Mental Health Act 1983, you won't need a financial assessment as that is provided free.

If your care and support service is fully paid for by the NHS (Continuing Healthcare), you won't need a financial assessment as that care and support is provided free.

## Capital Limits

The government sets upper and lower limits on capital as a way for councils to consider when a person can afford to pay towards their care and support out of their capital resources. [Appendix B - Capital Limits Schedule](#) shows the current upper and lower capital limits. The limits are reviewed by the government each year.

### What is capital?

Capital resources are assets such as money in a bank or building society account, investments, stocks and shares, buildings, land, and so on. Some capital resources are disregarded (ignored) within the financial assessment, and the detail of this is set out in the Care Act Regulations and guidance<sup>15</sup>. If your total capital is less than the lower capital limit you won't need to use your capital resources to pay towards care and support - any assessed charges will be worked out from your income only.

If you have a partner, and you hold a capital asset in joint names with your partner, you will usually be treated as having an equal share of that capital asset.

### If you have capital above the upper capital limit

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<sup>15</sup> The Care and Support (Charging and Assessment of Resources) Regulations 2014: Part 3(12), Part 5, Schedule 2; Care and Support Statutory Guidance: Charging and Financial Assessment, Annex B- Treatment of Capital

If your capital resources are above the upper capital limit you will be treated as being able to afford the full cost of your care and support. We can support you to arrange your own care.

If you don't live in a care home, you have the right to ask the Council to arrange your care and support for you: We will charge you the full cost of your care and support plus [Arrangement Fees](#) to cover some of our administration costs.

### **If you have capital assets below the upper limit, but more than the lower limit**

If the value of your capital resources is lower than the upper capital limit we will complete a full financial assessment with you to work out what you can afford to pay towards your care and support. If the value of your capital is between the upper and lower capital limits your financial assessment may include a contribution from your capital resources. This is known as 'tariff income'.

[Appendix B - Capital Limits Schedule](#) shows how tariff income is worked out.

### **If your capital assets are below the lower limit**

If the value of your capital resources is below the lower capital limit we will disregard (ignore) it in your financial assessment. Your financial assessment will be based on how much you can afford to pay from your income.

### **Notional Capital**

If you deprive yourself of your capital assets in order to reduce or avoid charges for care and support we can complete your financial assessment as if you still have those assets. The value of those capital assets is called 'notional capital' in your financial assessment. See [Deprivation of Assets](#) for more information.

## How is a Financial Assessment carried out?

1. If your care and support assessment shows that you need an ongoing care and support service, your Adult Social Care worker will contact our Financial Assessments and Benefits Team (FAB Team) to ask for a financial assessment to be carried out with you (or your financial representative if you have one - such as a Lasting Power of Attorney).



2. A worker from our FAB Team will usually contact you by phone to ask you about your financial situation. See [Example of information needed for your financial assessment](#)

3. The FAB Team worker will use the Council's Charging and Financial Assessment Framework policies and the national Care and Support (Assessment of Resources) regulations and guidance to work out a maximum amount that you could afford to pay towards your care and support. If you can provide all your financial information over the phone we will be able to tell you your maximum amount (if anything) and send you the information for you to check and sign.

If we can't contact you by phone, we may send you a form to fill in details of your financial situation which you can send back to us by post or through our secure web form.

If you can't complete a financial assessment over the phone, and you don't have a financial representative to complete a financial assessment with us, a member of our FAB Team may arrange to complete the financial assessment with you at your home.



4. We will check that you are receiving the benefits and credits you are entitled to and discuss how best to support you with applications or changes. We will also tell you about other useful sources of financial information and advice and help you to access these.



5. We will talk to you about any further information you need to provide and agree when.

6. If you are moving permanently to a care home and you have property capital that will be counted within your financial assessment we will ask you to provide detailed information about the property and explain the possible funding arrangements, including the Council's Deferred Payment Agreements. We can help you to access independent financial information and advice. You should always seek independent financial advice before making decisions about how to use your capital assets to fund your Care Home costs.



7. We will send you a letter with the outcome of your financial assessment and how to pay your charges (if any). If you disagree with the outcome, you may appeal. See [Appeals, Exceptional Circumstances and Waivers](#)

## 'Light Touch' Financial Assessments

There are some situations where we will not need to carry out a full financial assessment of your ability to pay for care and support. Instead we will complete a 'Light Touch' financial assessment and contact you to confirm this with you. You can still ask us to carry out a full financial assessment for you if you wish.

Examples of when we may carry out a 'light touch' financial assessment:

- **Your capital assets are above the upper capital limit** - If you know that your capital assets are above the upper capital limit you will not need a full financial assessment. We will contact you to confirm that you are assessed to pay the full cost of your care and support. We can still give you welfare benefits advice and arrange to support you to apply for any new entitlements you may have. If you ask us to arrange your care and support services for you, see [Arrangement Fees if you pay full cost of care and support services arranged by the Council \(other than permanent care in a care home\)](#)
  
- **You have declined to provide information about your financial situation** - If you don't wish to provide information about your financial situation you don't have to. We will contact you to confirm that you are assessed to pay the full cost of your care and support. We can still give you welfare benefits advice and arrange to support you to apply for any new entitlements you may have. If you ask us to arrange your care and support services for you, see [Arrangement Fees if you pay full cost of care and support services arranged by the Council \(other than permanent care in a care home\)](#)
  
- **You have given the Council your full financial information recently for another purpose, from which we can complete your care and support financial assessment** - in some situations we may be able to use information you have submitted recently to support a claim<sup>16</sup> for Housing Benefit claim and/or Council Tax Support, on which to complete a Light Touch financial assessment. In many cases we may still need to contact

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<sup>16</sup> In accordance with *The Social Security (Information-sharing in relation to Welfare services etc.) Regulations 2012*, made using powers under sections 130 and 131 of the *Welfare Reform Act 2012*.

you to ask you about expenses you have that won't have been needed for a Housing Benefit or Council Tax Support Claim. We will still give you welfare benefits advice and arrange to support you to apply for any new entitlements you may have.

If your financial assessment is a 'Light Touch' financial assessment, we will write to you to confirm:

- what you have been assessed to pay towards your care and support (if anything) and the basis for the financial assessment
- that you can ask us to complete a full financial assessment for you at any time
- where you can seek further financial information and advice

### Start Date of Charges

If your financial assessment shows that you are required to pay for your care and support, you will be charged from the start of your care and support service(s).

See also [Financial Assessment Reviews](#)

### Welfare Benefit Entitlements

As part of the financial assessment, our Financial Assessments and Benefits Team (FAB Team) will offer you a full benefits check, benefits advice and support to apply for welfare benefits and credits that we have identified that you may be entitled to claim.

#### What happens if I'm entitled to new welfare benefits?

The FAB Team worker will discuss with you how best to support you with any new welfare benefit entitlement claims - such as an online claim on the Internet, by phone to an application number, or in some situations we can arrange for someone to visit you at home to help you apply (such as an officer from the Department for Work and Pensions or a FAB Team worker).

#### What happens if I already receive welfare benefits?

We will check if there are any other welfare benefits that you may be entitled to. If your entitlement to a benefit you already get changes (for example, if you are moving permanently to a care home) we will give you information about the benefit departments to contact and support you in this if you need help.

#### What happens to my financial assessment if I'm entitled to new benefits?

If a new benefit or credit entitlement would change your financial assessment, the FAB Team worker completing your financial assessment will tell you (and put in writing) what your estimated new Assessed Maximum Weekly Contribution (if any) would be if your welfare benefit income changed as a result. When your welfare benefit application has been processed and if you receive more income as a result, a FAB Team worker will write to you to confirm your new financial assessment outcome and the date it applies from. If there is an increase to your weekly charge, this will be backdated to the start date of your care and support service, or the start date of your new benefit income amount, whichever is the later date.

#### **What happens if I choose not to apply for new benefits that I'm entitled to?**

If you decide not to apply for a welfare benefit entitlement, and we are satisfied that the benefit income would have been available to you if you had made an application for that benefit when we advised you of the entitlement, we will consider the benefit income as 'notional income' within your financial assessment and write to you with your new Assessed Maximum Weekly Contribution (if any) based on your financial circumstances including the notional income.

### **Accessing Independent Financial Information and Advice**

We will help you to access independent financial information and advice that is relevant to your circumstances at the time. This may be through giving you information about local or national organisations you can contact to find relevant financial information and advice services, or by putting you in touch with an independent organisation who can give you free relevant information and advice on care and support and introduce you to a specialist organisation or Independent Financial Adviser who is accredited with the Society of Later Life Advisors to provide independent regulated<sup>17</sup> financial advice on care funding options. Certain types of independent financial advice may be chargeable, and the adviser will always make you aware of any charges before you access that advice.

You can find more information on accessing Independent Financial Information and Advice on our website: [www.reading.gov.uk/carecharges](http://www.reading.gov.uk/carecharges)

### **Deprivation of Assets**

Deprivation of assets is where someone deliberately reduces their overall assets in order to reduce the amount that they are charged towards their care and support.

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<sup>17</sup> Regulated by the Financial Conduct Authority (FCA)

If we have evidence that you have deliberately given away or disposed of some or all of your savings or other capital asset, or income, in order to reduce the amount you are assessed to pay for your care and support, we will complete your financial assessment as if you still have those assets or income. The asset(s) or income would show on your financial assessment as 'notional capital' or 'notional income'.

If asset(s) or income have been transferred to a third party in order to reduce care and support charges, the Council has legal powers<sup>18</sup> to recover care and support charges from that third party where those charges relate to the value of the transferred asset.

There is information about Deprivation of Assets in the *Care and Support Statutory Guidance Annex E: 'Deprivation of Assets'*

## Use of Financial Information

The information we collect and keep about you for financial assessment and welfare benefit entitlements is confidential and can only be seen by authorised staff. We will only share this information with other relevant people and agencies in accordance with the *Data Protection Act 1998*. For further information about how we process your information, see the Financial Assessments and Benefits Team 'Fair Processing Notice (FAB)' on the Council's website [www.reading.gov.uk/carecharges](http://www.reading.gov.uk/carecharges) which explains how we use your information, when and how your information may be shared, and how it is stored. The Data Protection Act also gives you the right to see information that the Council keeps about you, at any stage.

## Delays to the Financial Assessment Process

If you (or your financial representative) unreasonably delay completing the financial assessment with us we will apply a Light Touch Financial Assessment as if you have declined a financial assessment and you will be assessed to pay the full cost of your care and support, backdated to the start of the service. If you then provide information for a full financial assessment, which results in a lower charge than this, consideration will be given to refunding the difference - depending on the circumstances of the case and the reasons for the delay. The Head of Adult Care holds discretion in this matter.

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<sup>18</sup> Section 70 of the Care Act 2014



'Unreasonable delay' will be determined on an individual basis, however as a general rule we would expect you (or your representative) to be available to complete a financial assessment within 2 weeks of contact from our Financial Assessments and Benefits Team. If you are (or your representative is) completing your financial situation on a paper form that we have sent to you, we expect you (or your financial representative) to return this form fully completed to us within two weeks.

If we ask you to provide further information to support or complete your financial assessment, we would usually expect you to provide this within two weeks of the date it was requested.

If we consider that you have unreasonably delayed your financial assessment, we may notify you after 28 days that you will be charged the full cost of your care and support. If you provide all the information to complete your financial assessment within the following 28 days, any reduction in charge may be reimbursed or credited against future care and support charges.

## How to Pay your Charges for Care and Support

### If the Council arranges the care and support for you:

We will send you an invoice for your care and support charges every four weeks. Your first invoice may cover a period of more than four weeks - to cover the period from the start of your service.

- ➔ **Direct Debit:** The easiest way to pay is by Direct Debit. You can complete a Direct Debit Mandate on the Council's website at [www.reading.gov.uk/carecharges](http://www.reading.gov.uk/carecharges) or you can contact the Financial Assessments and Benefits Team (FAB Team) to ask for a Direct Debit Mandate. Note that we will continue to send you invoices for your care and support charges - to confirm the amount of the care and support charge during that period.
- ➔ **Other methods of payment:** in addition to Direct Debit, we accept a range of other payment types including cash, cheque, credit and debit cards, paypoint payment cards, post office payments, and electronic banking methods, such as online internet banking and touch tone telephone payments. These methods of payment are shown on the back of each invoice

### If you arrange your own services through a Direct Payment (non-residential care and support only)

You must regularly pay your assessed charge into your Direct Payment bank account. The amount of your assessed charge will be calculated and deducted

from the Direct Payment amount you receive from the Council. If your Direct Payment starts before your financial assessment has been finalised, a future Direct Payment may have more than four weeks assessed charge deducted from it.

## Financial Assessment Reviews

You can ask our Financial Assessments and Benefits Team (FAB Team) at any time to review your financial assessment.

We will periodically review your financial assessment - usually annually - either when your care and support assessment is completed or when pensions, benefits and allowances change in April.

Your financial assessment review may be completed automatically when pensions, benefits and allowances change, or a member of our FAB Team may contact you to carry out a full review of your financial situation. These reviews ensure that changing financial circumstances are considered when assessing charges for care and support - so that you are only asked to pay what you can reasonably afford. If your financial assessment review changes what you pay, we will confirm the changes in writing.

## Appeals, Exceptional Circumstances and Waivers

We want to make sure that any charges you are asked to pay are fair and reasonable. Sometimes people using care and support services may experience exceptional circumstances which the Council should consider on an individual basis. Exceptional circumstances can be considered through two different ways, which are:

- Appeals
- Charge Waivers

You can also access the statutory complaints procedure at any time that you have an issue with financial assessment or charging.

### **If you disagree with your financial assessment outcome or Deferred Payments / Interim Funding decision outcome**

If you disagree with your financial assessment outcome or a Deferred Payment decision or Interim Funding decision you should contact our Financial Assessments and Benefits Team (FAB Team) in the first instance to try and resolve any issues as soon as possible. We will go through the information with you to check that the assessment or decisions have considered all your relevant information in line with the Charging and Financial Assessment rules. We will discuss with you which part

of the assessment or decision you disagree with, and note any exceptional expenditure (financial assessment) or circumstances (deferred payments/interim funding) that you feel need to be considered.

**Lodging an Appeal Request:** If you are still dissatisfied with the outcome after discussion with us, we will explain to you how you can lodge an Appeal and if you wish, we will support you to submit an Appeal Request Form (see [FINANCIAL ASSESSMENT APPEAL REQUEST FORM](#) or [DEFERRED PAYMENT AGREEMENT / INTERIM FUNDING - APPEAL REQUEST FORM](#)). We will suggest what further information and evidence you may wish to provide to support your Appeal. The process for the appeal is shown in Box 1 below.

**Box 1. Summary of the *Financial Assessment and Deferred Payment / Interim Funding APPEALS PROCESS***

Financial Assessment Appeals process

**Stage 1 - Review.** The financial assessment calculation is reviewed by the Financial Assessments and Benefits (FAB) Team Leader to ensure it is correct and accurate and to ensure that the Council’s policies and national regulations and guidance have been applied appropriately, taking into account any new information supplied with the Appeal Request. The FAB Team Leader will contact you with the outcome of this Stage 1 Review and confirm this in writing to you.

If you are dissatisfied with the outcome of Stage 1 Review proceed to Stage 2.

**Stage 2 - Senior Manager Review.** A Senior Manager will analyse the decision reached at Stage 1 along with any new information provided. The Senior Manager will write to you with the outcome of this Stage 2 Review.

If you are dissatisfied with the outcome of your review, you can make a complaint.

Statutory complaints

**Adult Social Care and Health Complaints procedure** - contact our Customer Relations Manager to make a complaint. They will look into your complaint and draw up an action plan and timescale with you to deal with your concerns. See [www.reading.gov.uk/complaints](http://www.reading.gov.uk/complaints)

If you are still dissatisfied you can refer your complaint to the Local Government Ombudsman

## If you can't afford to pay your assessed weekly charge

If you feel you can't afford to pay your assessed charge (and your financial assessment calculation is correct under the financial assessment rules) you should speak to your Social Care Worker in the first instance. If you have exceptional circumstances your Social Care Worker may consider a Charge Waiver Request.

**Charge Waiver Request:** This is a request to the Head of Adult Care (or other relevant Head of Service) to set aside a part of (or all of) your assessed charge for a period of time. Councils are only permitted to agree to charge waivers in exceptional circumstances, where to raise a charge would have a significant detrimental impact on you or others. If your Social Care Worker considers that a waiver request is appropriate to your circumstances they will refer the request through their line manager for the appropriate Head of Service to consider. If the Head of Service agrees to the Charge Waiver Request, your assessed charge (or part of your assessed charge) will be suspended (waived). This waiver may be agreed for a specified period of time, or it may be agreed as an ongoing waiver subject to annual review as part of the social care annual review of needs for care and support.

Examples of situations where we may consider a waiver might include (this is not an exhaustive list):

- Where someone is experiencing trauma (e.g. bereavement of a close relative or family breakdown and where financial or other circumstances are temporarily unstable);
- Where someone is in severe financial difficulty and to incur a further debt would have a detrimental impact on them;
- Where someone is at risk of self-harm or neglect e.g. through drug or alcohol abuse or mental health problems.

The Head of Adult Care must approve waivers up to £1000. Waivers over this amount require the joint approval of both the Head of Adult Social Care and a Senior Finance Business Partner. See [Assessed Contribution Waivers Request](#)

## Complaints

We welcome feedback and we have dedicated officers to manage complaints. If you are dissatisfied with the way that you have been treated during the financial assessment process, or with a financial assessment/charging issue please let us know.

Most complaints can be sorted out by discussing the problem. We'll do our best to sort out the problem and deal with your concerns - taking into account your needs and wishes as well as those of other people involved.

If a solution is agreed, a record will be kept to make sure that nothing was missed. If the problem cannot be solved immediately an action plan will be drawn up with you. We will look into your complaint quickly and thoroughly and give you a detailed response once we have finished.

If you aren't satisfied with the response you receive please contact the Customer Relations Manager.

If you are still not satisfied with our response you have the right to take your concerns to the Local Government Ombudsman. You can find more information about how to complain about Adult Social Care Services on the website:

[www.reading.gov.uk/complaints](http://www.reading.gov.uk/complaints)

## Debt Recovery

If you are unable to pay your invoices for your care and support charges when they are due, either in full or in part, you must tell us as soon as you can so that we can discuss with you any issues you have and find a solution.

In exceptional cases, if the reason you are unable to pay the charges in full directly relates to the value of a capital asset which is not immediately accessible without significant loss<sup>19</sup> to the capital value of your asset, we *may* agree for part of the charges to accrue until your capital asset is available without significant loss to the asset value. Any agreement to allow part of the charges to accrue would usually be for up to a maximum of six months.

If your care and support invoices remain unpaid and we have not established a good reason why you (or your financial representative) are unable to pay your care and support invoices, we will start debt recovery action to recover the debt from you (or your financial representative), in line with the Council's Debt Recovery Procedures and the Care and Support Statutory Guidance<sup>20</sup>.

If your care and support invoices remain unpaid despite our reasonable attempts to recover the debt, we will consider making an application to the County Court to issue a claim to seek to enforce the recovery of the debt from you (or your

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<sup>19</sup> "Significant loss" would be where more than 10% of the capital value would be lost through making these funds available immediately.

<sup>20</sup> Care and Support Statutory Guidance - Annex D: Recovery of Debts

financial representative). You could also be liable to repay the legal costs and interest charges on the debt at a rate set by the County Courts.

## Part 2: Financial Assessment and Charging for Care Home Accommodation

### Permanent admission to a care home

If you have care and support needs identified that can only be met in a care home, you will need to pay towards your accommodation fees in the care home.

- If your capital assets (such as savings and investments) are above the Upper Capital Limit, you will need to pay the full cost of your care home fees - usually directly to the care home.
- If your capital assets are below the Upper Capital Limit, we will carry out a financial assessment with you to work out how much you can afford to pay towards your care home fees. This is called an 'Assessed Weekly Charge'.
- If you own a property, or a part of a property, or have a beneficial interest in a property, there are rules around whether this is counted within your Capital assets or disregarded. See [If you own your property](#) below.
- If your care home placement is partially funded through NHS funding for Registered Nursing Care, you will not need to pay towards those NHS Registered Nursing Care costs.

### Exceptions to being charged

- If your care home placement is an 'After-care' support service provided under section 117 of the Mental Health Act 1983, you will not need to have a financial assessment as you will be exempt from charges.
- If your care home placement is fully paid for by the NHS through Continuing Healthcare, you will not need a financial assessment as that care and support is provided free by the NHS.

### **If you are responsible for the full cost of care home fees because your savings and investments are above the Upper Capital Limit**

If your identified needs indicate that you need to live permanently in a care home and your savings/investments (excluding your former home) are well above the Upper Capital Limit, we will arrange advice and support to help you choose a suitable care home that will meet your needs.

Some important things to consider when choosing a suitable care home are:

- find out from the care home what would happen if your savings/investments fell to the upper capital limit - for example - would that care home accept local authority payment rates or would they ask you to nominate someone to pay a Third Party Top Up? (This is an additional payment to make up any shortfall, paid by someone other than you). If you don't have anyone willing and able to pay a Third Party Top Up, and it is possible that your savings/investments may reduce over time to the upper capital limit, you should choose a care home that will accept local authority rates. There is more information about this in the '[Choice of Accommodation and Additional Payments Policy](#)' within this Framework.
- You would be responsible for paying the full care home fees directly to the provider of the care home accommodation. If you are eligible for an NHS contribution towards Registered Nursing Care (in a nursing home), your care home will reduce the level of your fees by the amount of funding they receive from the NHS.
- While you are responsible for paying the full costs of your care home fees (excluding any fees that the NHS covers), you are likely to be entitled to receive Attendance Allowance (if you are aged 65 or over) or Disability Living Allowance (Care Component) or Personal Independence Payment (Daily Living Component). These benefit payments will help go towards meeting your care home fees. More information on these benefits can be found on the [www.gov.uk](http://www.gov.uk) website.
- It is important to seek independent financial information and advice so that you can make informed decisions about how to manage your financial resources. We can help you to access independent financial information and advice - see [Accessing Independent Financial Information and Advice](#) in this framework.

- If, over time, your savings/investments reduce to approach the Upper Capital Limit, you should contact the local authority where you live to request a care assessment and ask for help with your care home costs. The local authority will also review your care and support needs at that time to make sure that the care home still meets your identified needs.

### Working out your Assessed Weekly Charge for your care home

If your capital resources are below the Upper Capital Limit, and you don't own any property capital, we will carry out a full financial assessment of your income and capital assets to work out your 'assessed weekly charge' for your care home accommodation. We use national rules to do this called 'Care and Support (Assessment of Resources) Regulations 2014' which are issued under section 17 of the Care Act 2014.

If you have chosen to move to a care home that is more expensive than the care homes that we have identified to meet your needs, you will need to identify a person who is willing and able to make top-up payments - to make up the shortfall. This is called a Third Party Top-Up. There is more information about choosing more expensive accommodation and Third Party Top Ups in the section [CHOICE OF ACCOMMODATION AND ADDITIONAL PAYMENTS POLICY](#)

### How we work out your Assessed Weekly Charge

The calculation of your Assessed Weekly Charge for your care home is shown as:

Regarded weekly Income + 'tariff income' on savings/investments

- Personal Expenses Allowance
- Savings Disregard (where this applies)
- Allowable expenses (where these apply)

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= Assessed Weekly Charge

**Regarded Weekly Income:** is the amount of income you receive that is included in your financial assessment. Your income is converted to a weekly figure in the financial assessment. We use the national rules set out in *The Care and Support (Charging and Assessment of Resources) Regulations 2014* and *The Care and*



*Support Statutory Guidance: Annex C: Treatment of Income* when working out how much of your income should be regarded in your financial assessment for permanent care home accommodation.

**Tariff Income on savings/investments** : is a weekly amount calculated from capital assets (such as savings and investments) that are not disregarded. The weekly amount is added to your regarded income in your financial assessment. The way in which 'tariff income is calculated is shown in [Appendix B - Capital Limits Schedule](#)

We use the national rules set out in *The Care and Support (Charging and Assessment of Resources) Regulations 2014* and *The Care and Support Statutory Guidance: Annex B: Treatment of Capital* when working out how much of your capital (such as savings and investments), should be regarded in your financial assessment for permanent care home accommodation.

**Personal Expenses Allowance** : Your financial assessment will always make sure you are left with an amount for you to use for your day-to-day personal expenses in the care home. There is a standard amount for this Personal Expenses Allowance set out in *The Care and Support (Charging and Assessment of Resources) Regulations 2014* which is reviewed each year by the Government. The current standard rate is shown in [Appendix C - Financial Assessment Allowances Schedule](#)

**Savings Disregard**: If you are aged 65 or over, and you have more than a basic pension income, or savings, you may be given an additional allowance called a 'Savings Disregard' allowance. This is calculated using the national rules set out in *The Care and Support (Charging and Assessment of Resources) Regulations 2014*. The current maximum Savings Disregard allowance is shown in [Appendix C - Financial Assessment Allowances Schedule](#)

#### Other specified allowances

- The rules allow councils discretion to increase the Personal Expenses Allowance where it would not be appropriate to leave a person with only the standard Personal Expenses Allowance. For example - a person with a dependent child.
- In certain situations, allowances for continuing home commitments (for example, where committed costs on previous accommodation need to be paid for a period of time)
- If you enter into a Deferred Payment Agreement with us, your Personal Expenses Allowance will be replaced by a 'disposable income allowance'.

There is more about this in the Council's [Deferred Payment Agreements Policy](#).

### Changes to benefits when you move to a care home

Often a permanent move to a care home will mean a change in some benefit payments to you. It is best to contact the office that pays you the benefit as soon as possible - to tell them that you have moved to a care home, and the date.

When we complete a financial assessment with you, we will tell you if there are any changes to benefit entitlements and give you information about how to notify your change of address. Where new claims have been made, we will tell you how the award of a new welfare benefit might affect your assessment outcome.

### If you own your property

If you own your home, or have a beneficial interest in your home, from which you have left to move to a care home, you will need to check whether your property capital will be disregarded.

*The Care and Support (Charging and Assessment of Resources) Regulations 2014* and *The Care and Support Statutory Guidance* set out the circumstances in which property capital is always disregarded.

For example:

- if your spouse or partner still lives in the property - your property capital would be disregarded (ignored) in the financial assessment for as long as your spouse/partner continues to live there.
- If you have a relative aged over 60, or a disabled relative who still lives in the property, the property would also be disregarded for as long as that relative, or relatives, were living there.

The Regulations state who counts as a 'relative' and the Statutory Guidance gives more information about these disregards.

The Regulations also give councils discretion to disregard property in other situations. See 'Discretionary Disregard of Property' below.

In any case, your property capital is disregarded for up to the first 12 weeks of moving permanently to a care home.

You are still required to pay your assessed weekly charge during those 12 weeks, but your assessed weekly charge is based on your financial situation (excluding your property capital). See '12-week Property Disregard' below.

It is important that you seek independent financial information and advice so that you have good information when considering options for your future funding.

If your property is not disregarded under the Regulations you may wish to apply for a Deferred Payment Agreement with the Council - see [DEFERRED PAYMENT AGREEMENTS POLICY](#) for further information on this.

### 12-Week Property Disregard

The purpose of the 12-week property disregard is to provide breathing space to allow a long-term decision about the property to be made.

The 12-week property disregard applies if:

- you move into a care home for the first time, and, as a result of the ownership of your own home, are responsible for the full cost of the care home fees; or
- you moved into a care home on a temporary basis initially but have now become a permanent resident in the care home; or
- You are already living in a care home, and your property was previously disregarded in your financial assessment under a 'statutory disregard' (where national Regulations state it is disregarded) or under a 'discretionary disregard' (where the Council agreed to disregard it), but, due to a change of circumstances those disregards are no longer relevant and the value of the property means you would be responsible for the full cost of your care home fees. A change of circumstances could be, for example, a partner or relative living in the property goes into a care home themselves, or moves house, or dies.

The 12-week property disregard only applies to your sole or main residence prior to moving to a care home. It does not apply to any other property or land you own.

If you have savings and investments above the upper capital limit at the start of your placement in a care home, and you own a property, you have the opportunity to make decisions about what to do with your property during the period you are able to fund yourself - unless this is less than 12 weeks. In this event you will be entitled to the remaining period of the 12-week property disregard from the start of your placement.

### **Your Financial Contribution during the Property Disregard period**

We will carry out a financial assessment with you to work out your Assessed Weekly Charge for your care home during the period of the property disregard.

This financial assessment will be based on your financial situation excluding the value of your main property. This will take account of your income and any savings or assets above the lower capital limit and leave you with a personal expenses allowance.

The Assessed Weekly Charge is due for payment at the time we raise an invoice to you. See [How to Pay your Charges for Care and Support](#)

### **If you receive Attendance Allowance or Disability Living Allowance (Care Component) or Personal Independence Payment (Daily Living Component):**

If you receive one of these benefits listed above, these benefits continue to be paid to you by the Department of Work and Pensions for only the first four weeks after being in a care environment. A care environment includes hospital and care homes. After those first four weeks, these benefits are **not** payable to you while a council provides funding towards your care home costs.

At the end of your property disregard period, you become responsible for the full cost of your care home placement, and your entitlement to have Attendance Allowance or Disability Living Allowance (Care Component) or Personal Independence Payment (Daily Living Component) restarts.

### **Discretionary Disregard of Property**

The *Care Act 2014* sets out a number of situations where the property you lived in and own, or have a beneficial interest in, must be disregarded. However there may be other circumstances where we consider it appropriate to disregard your interest in the property, even though we are not required by the national Regulations to do this. This is a discretionary disregard.

We have to balance the use of this discretion with the need to ensure that residents with assets are not maintained at public expense.

If you ask us to consider a discretionary disregard because your property is being occupied by a third party, we will consider:

- the reason for the occupation of the property by the third party
- the timing of the move into the property by the third party

In making a decision on whether to agree a discretionary disregard of your property we will consider our financial resources, and the following factors:

- What is the nature and closeness of the relationship between you and the person remaining in the property?
- Has the person cared for you and for how long? If so, what is the level and nature of the care provided by the person? Has any care been provided by others? If so what is the relationship to you and what is the level and nature of that care?
- How long has the person lived in the property?
- Where did the person reside (live as their main or usual place of residence) before moving in to the property and what has happened to their former accommodation and any proceeds of sale?
- What was the main reason for the person to move into your home? Were there any other factors affecting the decision to move into your home?
- What is the age, employment status and financial circumstances of the person?
- When did you first have identified care needs?
- When was care home accommodation first considered as an option for you?
- Has that person made any financial contributions towards your property? If so what were they? For instance has he/she contributed to the mortgage, home improvements, household maintenance? Was there a tenancy? What is the level of any contribution, over what period and is there any documentary evidence?

The weight placed against each factor in considering the request will depend on the individual circumstances and actions taken:

### **How do I ask the Council to consider a request for a Discretionary Property Disregard?**

You can ask your Social Care Worker or our FAB Team.

We will gather relevant information from you about your property and details of who lives there now. We will gather any other information relevant to your request and will talk to you about any other information that is needed from you.

Once all relevant information has been gathered it will be referred to the Council's Head of Adult Care (or other relevant Head of Service) for a decision.

All the facts of the case will be considered, and a decision made on the merits of the case, whether to agree to a disregard of the property. In cases of difficulty the Head of Service will seek advice from the Council's legal advisers. We will keep you updated of the progress of your request.

If your request for a discretionary property disregard is turned down, we will tell you the reasons. The FAB Team will put these reasons in writing to you and will tell you how to request a review of the decision if you disagree with the outcome.

### **Appealing a discretionary property disregard decision**

If you disagree with the decision you have the right to request a review of the decision by making an Appeal. The review on Appeal will be carried out by a different Head of Service to the one who made the decision.

If you wish to appeal you should submit any additional evidence with your appeal - see [Appeals, Exceptional Circumstances and Waivers](#) for further information.

### **Short Term and Temporary Stays in Care Home(s)**

#### **❖ Short Term and Respite Stays - of up to 28 Nights during a Year**

If your identified needs show that you need a short stay in care home accommodation (for example, to receive respite care), you will be allocated a Personal Budget for non-residential care and support. You may need to pay something towards your Personal Budget depending on your financial circumstances. We carry out a financial assessment under our Financial Assessment and Charging rules for Non-residential Care and Support to see how much, if anything, you need to pay.

If you choose a care home for your short stay that costs more than the Council would usually pay to meet your needs, see our [Choice of Accommodation and Additional Payments Policy](#)

For information about what a financial assessment is, please see [What is a Financial Assessment for Care and Support?](#)

**If we have already carried out a financial assessment for your Personal Budget for ongoing non-residential care and support:** your 'Assessed Maximum Weekly Contribution' will apply to your respite stay. Your weekly charge for your Personal Budget will be the average weekly charge over the year to incorporate the cost of respite care. You won't be charged more than your 'Assessed Maximum Weekly Contribution'. You can see examples at [Appendix G. Example Care Charges Calculations](#). If your short stays/respite stays exceed more than 28 nights during a year, your contribution for your accommodation from 29<sup>th</sup> night onwards will be recalculated under the care home rules for temporary stays (see [Temporary Stays](#))

**If your savings and investments are above the upper capital limit:** you will need to pay the full cost of your accommodation (see [Capital Limits](#)). We will give you advice and support to arrange this with a care home provider of your choice, or if you wish, you may ask us to make these arrangements on your behalf. If you ask us to make the arrangements on your behalf we will charge you the full cost of your accommodation plus arrangement fees (to cover some of the administration costs of arranging and monitoring your care and support). See [Arrangement Fees](#)

**If your total savings and investments are below the upper capital limit and you've not yet had a financial assessment for non-residential care and support:** we will carry out a full financial assessment with you to work out how much (if anything) you can afford to pay for non-residential care and support. Your financial assessment will show your 'Assessed Maximum Weekly Contribution'.

- If your 'Assessed Maximum Weekly Contribution' is zero, you will NOT need to pay towards your non-residential care and support services.
- If your 'Assessed Maximum Weekly Contribution' is more than zero, you will either pay:
  - your 'Assessed Maximum Weekly Contribution', OR
  - the full cost of your care and support if this is less than your 'Assessed Maximum Weekly Contribution'.

When working out your actual weekly charge, your 'Assessed Maximum Contribution' is compared to the average weekly cost of your Personal Budget over a year.

If your short stays/respite stays exceed more than 28 nights during a year, your contribution for your accommodation from 29<sup>th</sup> night onwards will be recalculated under the care home rules for temporary stays (see [Temporary Stays](#) below)

❖ **Temporary Stay in a Care Home and/or Short Stays that exceed 28 nights during a year.**

If your identified care and support needs are to be met through a temporary stay in a care home, or if your short stays in a care home during a year (e.g. for respite) total more than 28 nights, we will carry out a financial assessment under the national rules on charging for care home accommodation for temporary residents.

A stay in a care home is deemed 'temporary' if you intend to return to your home after your stay in the care home and your social care assessment indicates that your future care needs could be met in the community.

We will contact you to complete a full financial assessment under the national temporary-stay rules for care and support in a care home. If your savings and investments are above the Upper Capital Limit you will need to pay the full cost of your care home fees.

The financial assessment under the temporary stay rules for care and support in a care home are similar to the rules for those who move to a care home permanently, except that:

- If you own your own home, the value of your property capital is always disregarded if your stay in a care home is temporary.
- If you need to pay bills on your home to maintain your property (for example: standard charges for utility bills), there will be an expense allowance given in your financial assessment towards this.

If you choose a care home for your temporary stay that costs more than the Council would usually pay to meet your needs, see our [Choice of Accommodation and Additional Payments Policy](#)



## Part 3 - Financial Assessment and Charging for Non-residential Care and Support

If you have care and support needs while living at home or living in supported accommodation in the community (including short stays in care homes for respite care), you may need to pay something towards your care and support.

### **If your savings and investments are above the upper capital limit**

If your capital assets are **above** the Upper Capital Limit, you will need to pay the full cost of your care and support (see [Capital Limits](#)). We will help you to arrange this with a care provider of your choice, or if you wish, you may ask us to make these arrangements on your behalf. If you ask us to make the arrangements on your behalf we will charge you the full cost of your care and support plus arrangement fees (to cover some of the administration costs of arranging and monitoring your care and support). See [Arrangement Fees](#)

### **If your total savings and investments are less than the upper capital limit**

If the value of your capital assets are less than the upper capital limit, we will carry out a financial assessment with you to work out how much (if anything) you can afford to pay towards your care and support. Your financial assessment will show you your 'Assessed Maximum Weekly Contribution'. If you are on a low income, your 'Assessed Maximum Weekly Contribution' may be zero and you won't have to pay anything towards your care and support.

For information about what a financial assessment is, please see [What is a Financial Assessment for Care and Support?](#)

## How we work out your 'Assessed Maximum Weekly Contribution'

The Council works out your 'Assessed Maximum Weekly Contribution' for care and support from the calculation shown in the box below:

<p>Regarded weekly Income + 'tariff income' on savings</p> <ul style="list-style-type: none"> <li>- Housing expenses</li> <li>- 'Minimum Income Guarantee' for basic living costs</li> <li>- Allowable expense commitments</li> <li>- Disability related expenses</li> </ul> <hr/> <p>= Assessed Maximum Weekly Contribution</p>
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- **Regarded weekly income** is the amount of income you receive<sup>21</sup> that is included in your financial assessment. (Any earned income you receive is disregarded). Your income is converted to a weekly figure in the financial assessment. See [Calculation of Income](#) for further information.
- **Tariff income on savings** is a weekly amount calculated from capital assets that are not disregarded. The amount calculated is added to your regarded weekly income in your financial assessment. See [Calculation of Savings, Investments and Capital Assets](#) for further information
- **Housing Expenses** -see [Housing Expenses](#) for what housing costs are allowed for in your financial assessment
- **Minimum Income Guarantee** - this is an allowance given in the assessment to cover basic living costs. See ['Minimum Income Guarantee' \(MIG\) for Basic Living Costs](#) for further information on how this is worked out
- **Allowable expense commitments** - sometimes an allowance can be made for certain expenses that you have to make - see [Allowable Expense Commitments](#)
- **Disability-related expenses** - we may make allowances in your financial assessment for expenses that you have in relation to a medical condition or disability. See [Disability Related Expenditure \(DRE\)](#)

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<sup>21</sup> This may include notional income if you are entitled to income that you have chosen not to receive. For example, if you have a pension fund that you have chosen to draw a lower amount than you are entitled to, your regarded weekly income will include the full amount of income you were or are entitled to draw from an annuity product.

### If you live with a partner:

You will need to identify:

- your own income
- your own capital
- your own expenses
- AND any income, capital and expenses that both you and your partner are entitled to or incur jointly (this could be income received, and/or capital held and/or expenses incurred by either you or your partner, on behalf of you both jointly). We are required as a starting point to assume that joint income and capital are owned in equal shares. However, it is open to an individual to produce evidence on which we may conclude that the shares are unequal.

Examples of income that are treated as received jointly for couples include:

- Pension Guarantee Credit
- Income Support
- Income-related Employment Support Allowance
- Income-based Job Seekers Allowance
- Universal Credit

We assume that the payment of benefits and credits such as these are shared equally between both members of the couple, regardless of who the payments are made to.

The Minimum Income Guarantee (MIG) allowance that is used in the financial assessment where that individual is part of a couple will be that shown in the Care and Support (Charging and Assessment of Resources) Regulations relating to an adult who is part of a couple. However if the partner of the individual is on a low income, the couple may request an 'affordability check' to ensure that the Minimum Income Guarantee allowance is sufficient to maintain the couples' joint financial resources above Department for Work and Pensions minimum benefit levels.

## Calculation of Income - non-residential financial assessment

In the financial assessment process, people's sources of income are included (I), disregarded (D) or partially disregarded (PD), depending on how the income is generated. The Government provides mandatory guidance on which sources of income councils **must** disregard in the financial assessment, and gives councils discretion on how it treats other sources. The table below illustrates how each source of income is treated in the Council's non-residential financial assessment, and indicates where national rules apply (N) or where the Council has made a discretionary local (L) decision about how income is treated. Any earned income you receive is disregarded (ignored) in the financial assessment for your care and support.

Source of Income	How FA treats	Discretion level
Boarders	I	L
Care plan bond income	I	L
Charitable Income <sup>22</sup>	D/PD	L
Child Benefit	D	N
Child Tax Credit	D	N
Court Order payments or settlements (including certain compensation and personal injury payments)	I	L
Disability Benefits		
▪ Armed Forces Independence Payment	D	N
▪ Attendance Allowance	I	L
▪ Constant Attendance Allowance	I	L
▪ Disability Living Allowance (care component)	I	L
▪ Disability Living Allowance (mobility component)	D	N
▪ Exceptionally Severe Disablement Allowance	I	L
▪ Personal Independence Payment (Daily Living)	I	L
▪ Personal Independence Payment (Mobility)	D	N
Key : D= Disregarded      PD= Partially Disregarded      I= Included in assessment		
N= National guidance - mandatory      L= Local discretion for decision		

<sup>22</sup> Charitable income may be partially disregarded or fully disregarded in line with Schedule 1 of the Care and Support (Charging and Assessment of Resources) Regulations.

Source of Income (continued)	How FA treats	Discretion level
Earnings	D	N
Equity Release Scheme income	I	L
Employment and Support Allowance*	I	L
Guaranteed Income Payments (paid under Armed Forces Compensation Scheme)	D	N
Housing Benefit	I	L
Incapacity Benefit	I	L
Income Support*	I	L
Industrial Injuries benefits	I	L
Interest from capital (such as Savings/Investments )	D or I <sup>23</sup>	N
Job Seeker's Allowance*	I	L
Lodgers and self-supporting children living at home	I	L
Maintenance payments specifically relating to a child	D	N
Nationalist Social Persecution payments	D	N
Pension Credit* <ul style="list-style-type: none"> <li>▪ Pension Savings Credit</li> <li>▪ Pension Guarantee Credit</li> </ul>	D I	N L
<b>Key</b>  D= Disregarded      PD= Partially Disregarded      I= Included in assessment N= National guidance - mandatory      L= Local discretion for decision		

<sup>23</sup> If the capital has been included within the financial assessment, the income received in interest from that capital is usually disregarded. If the capital is not included in the financial assessment, the income received from that capital is usually included. The Care and Support Statutory Guidance (Annex A and Annex B) has further details and examples.

Source of Income (continued)	How FA treats	Discretion level
Pensions		
▪ State Pensions	I	L
▪ Occupational Pensions* Personal Pensions*	I	L
▪ Income from Trade Unions and Friendly Societies	I	L
▪ War Pensions paid to veterans	D	N
* this may include a notional <sup>24</sup> income from a pension fund where a lower amount is being drawn, or where a pension income has been deferred	I	L
	I	L
Severe Disablement Allowance	I	L
Social Fund Payments	D	N
Statutory Sick Pay, Statutory Adoption Pay and Statutory Maternity Pay or Allowance	D	N
Sub tenants	I	L
Trust fund income <sup>25</sup>	I/D	L
Universal Credit*	I	L
Winter fuel and cold weather payments	D	N
Working Tax Credit	D	N
<b>Key</b> D= Disregarded      PD= Partially Disregarded      I= Included in assessment N= National guidance - mandatory      L= Local discretion for decision		

\*Income from means-tested benefits paid to one member of a couple are considered as shared equally between both members of the couple:- 50% of a couple's income-related Employment and Support Allowance; Income Support; Job-Seekers Allowance; Pension Credit; and Universal Credit is considered within the financial assessment for the member of the couple who receives the care and support.

<sup>24</sup> Notional income is an amount of money that is counted in the financial assessment where the individual could access (or could have accessed) that money as income if they chose to, but have chosen not to.

<sup>25</sup> Treatment of trust fund income depends on the situation and are detailed in the Care and Support (Assessment of Resources) Regulations

All other income not listed in the table above will be considered in the assessment in line with the Care and Support (Assessment of Resources) Regulations, along with any tariff income from savings/capital.

'Tariff income' on capital (such as savings and investments) is a weekly amount calculated from capital assets that are not disregarded. The weekly amount is added to your regarded income in your financial assessment. The way in which 'tariff income is calculated is shown in [Appendix B - Capital Limits Schedule](#)

## Calculation of Savings, Investments and Capital Assets

We use the same upper and lower capital limits as set by the Government for financial assessments in Care Homes - see [Appendix B - Capital Limits Schedule](#) . We use the national rules set out in *The Care and Support (Charging and Assessment of Resources) Regulations 2014* and *The Care and Support Statutory Guidance: Annex B: Treatment of Capital* when working out how much of your capital (such as savings and investments), should be regarded in your financial assessment for non-residential care and support, and which items of capital should be disregarded.

## Housing Expenses

We make an allowance in the non-residential financial assessment for your housing costs. This ensures that you can allocate a portion of your income to cover housing costs before you are asked to make a contribution towards the cost of your care and support.

**Sharing costs** - If you share a household with other adults, the amount of the housing cost item that is allowed for in your financial assessment will be on the basis that the costs are shared evenly by the number of adults in the household - unless we have information to show that a different way of sharing costs should be considered.

Allowances are made depending on your housing tenure and circumstances, including:

- Rent (net of Housing Benefits). If you are entitled to receive full Housing Benefit but have your benefit reduced by a 'non-dependent deduction', your financial

assessment will not show an allowance for the non-dependent deduction amount.

- Mortgage<sup>26</sup> (net of assistance through benefits such as Income Support, Pension Credit, Employment and Support Allowance, Universal Credit)
- Council Tax (net of Council Tax Support). If you are entitled to receive full Council Tax Support but have your support reduced by a 'non-dependent deduction', your financial assessment will not show an allowance for the non-dependent deduction amount.
- Essential service charges and ground rent net of funding through benefits

## Allowable Expense Commitments

An allowance for the following expense commitments may also be made in your financial assessment, if they apply to you:

- Payments under a court order (e.g. child maintenance)
- Educational expenses (these are costs associated with a registered education or training course at a University or College). Costs are apportioned across the year, and a weekly allowance is calculated. Allowable expenses include tuition and study materials (e.g. text books) and may include tools required for an apprenticeship, if you have had to pay for them. You should retain receipts of educational expenses as proof.

## 'Minimum Income Guarantee' (MIG) for Basic Living Costs

This is a level of income that national rules state you must be left with before any charge may be made for non-residential care and support services. This Minimum Income Guarantee is to ensure that you are left with money to cover your day-to-day basic living expenses. The level of Minimum Income Guarantee varies depending on your age and other circumstances at the time of your financial assessment. Councils may set their own levels for Basic Living Costs so long as they are at least equal to the Minimum Income Guarantee levels set by the Government. The Minimum Income Guarantee (MIG) levels set by the Council for the current year to cover basic living costs are shown in [Appendix C - Financial Assessment Allowances Schedule](#) .

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<sup>26</sup> This includes endowment/ISA policy payments to repay mortgage up to 5% above Base Rate



### **Affordability-check for couples - adjusting the local Minimum Income Guarantee level.**

If you live with a partner who is on a low income<sup>27</sup>, you and your partner can request that we carry out an affordability check of your joint situation to ensure your level of Minimum Income Guarantee for basic living costs maintains your joint financial resources above Department for Work and Pension minimum levels. Where necessary (as indicated by the affordability check), we will increase the level of your Minimum Income Guarantee to a level that ensures your joint financial situation is protected at minimum Department for Work and Pension benefit levels. (This affordability check would not need to be carried out if your Assessed Maximum Weekly Contribution is nil.) The calculation of the Affordability Check is shown at [Appendix L: Affordability Checker](#)

### **Disability-Related Expenditure(DRE)**

This is an allowance that is made in your financial assessment for additional expenses due to disability or medical condition if you receive Attendance Allowance or Personal Independence Payment or Disability Living Allowance.

#### **Standard DRE Allowance**

We will apply a standard allowance for disability-related expenditure in your financial assessment (provided you receive one of the disability benefits listed above) unless you request a full assessment of your disability-related expenses. The amount of the standard allowance is shown in [Appendix C - Financial Assessment Allowances Schedule](#)

#### **Full DRE Assessment**

If you prefer (and provided you receive one of the disability benefits listed above), we will carry out a detailed assessment of your disability-related expenses instead of applying a standard DRE allowance.

DRE will be considered when:

- The extra cost is needed to meet your specific need due to a medical condition or disability, as identified in your care and support assessment of needs; **AND**
- The cost is reasonable and can be verified (we may ask you for receipts); **AND**
- It is not reasonable for a lower cost or free alternative item or service to be used. If a lower cost alternative item could have been used, the expense considered will be capped at the cost of the lower-cost item.

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<sup>27</sup> 'Low income' relates to income (including tariff income from savings) below Department for Work and Pensions minimum allowance/personal allowance levels for benefits.

The Council has developed a guide list of recognised DRE items (based around the items listed within the Statutory Guidance on DRE), with associated indications of reasonable costs. This is shown at [Disability Related Expenditure - guide amounts](#) and is used to assist in working out DRE allowances in your financial assessment. Some of the items have maximum amounts, some have standard amounts. If you have one or more Disability-Related Expenses shown within the DRE guide amounts, your expense allowed in your financial assessment will usually be the actual amount you spend up to the maximum amount indicated for each item or service in the DRE guide. We will also consider situations where there are exceptions to the DRE guide and a higher allowance is considered.

### Exclusions

A DRE allowance will NOT be made for the following expenditure:

- General items or services required for daily living, which would be used by the general population;
- Any item or service met by a payment from a Grant (e.g. Disability Facilities Grant) or where another funding source has been provided;
- The difference between the actual cost and the lower cost alternative where we consider it was reasonable for a lower cost alternative;
- Structural or landscaping work (e.g. tree surgery, path laying or re-laying) in gardens or to buildings unless;
  - Disabled Facilities Grant contributions apply in respect of the works carried out;
  - Works required to assist with the prevention of falls, such as the installation of hand rails, repairs to footpaths; or
  - the modifications to the garden or building are essential to enable use of a scooter or wheelchair that you need to use, or to provide secure storage for a scooter and the facility is used as such. In this case, the amount will be calculated as if the modifications were equipment with a suitable life span applied.

Where a particular item of expenditure combines more than one item or service but elements of which are to meet your specific need due to disability or medical condition, we will consider only those parts of the expense that are meeting specific need for disability or medical condition. For example, if you paid a hair dresser, the hair washing costs will be considered if you could not do this task yourself, however, hair cutting costs would not be allowed, as this is a service used by the general population and is not a disability related expense.

**Sharing costs** - If you share a household with other adults, and the additional disability-related expense item relates to a service that supports the household as a whole (for example, payments to a cleaner), the amount of that expense item that is allowed for in your financial assessment will be on the basis that the costs are shared evenly by the number of adults in the household - unless we have information to show that a different way of sharing costs should be considered.

### **Verification of expenses**

The DRE Guide (see [Appendix D: Disability Related Expenditure - guide amounts](#)) indicates what form of evidence you should keep to support your claims for allowances for different disability-related items or services. For most items, you will be expected to keep receipts as proof of purchase, or bills for services such as utilities (e.g. water meter, gas, electricity).

If you are unable to produce receipts for items of DRE you wish to claim as an allowance in your financial assessment, we will use our discretion to determine the reasonableness of the expenditure.

### **Special equipment items and maintenance**

The DRE Guide (see [Appendix D: Disability Related Expenditure - guide amounts](#)) includes allowances for special equipment items (such as a wheelchair, stair lift, powered bed) if you have incurred an expense to make the purchase. Special equipment items will be allowed where they meet your specific need due to a disability or condition. The amount allowed in the financial assessment will be based on the life span of the equipment and either the purchase price you paid or a lower cost alternative if that was reasonable to meet your identified needs. Where special equipment items require maintenance, and you pay for this maintenance yourself, we will make an allowance for these maintenance costs in your assessment.

## **Assessed Maximum Weekly Contribution**

Your Assessed Maximum Weekly Contribution is the amount of money left over in your financial assessment after your expenses and allowances have been taken into account. This amount of money will be considered when we work out what your care and support charges should be. You will not be asked to pay more than your 'Assessed Maximum Weekly Contribution' for your non-residential care and support.

- a. If your Assessed Maximum Weekly Contribution is nil (zero or less than the Council's minimum amount), you will receive your non-residential care and support service free of charge. This minimum amount is shown in [Appendix C - Financial Assessment Allowances Schedule](#)

- b. If your Assessed Maximum Weekly Contribution is **more** than the cost of your agreed care and support, you will pay the full cost of your care and support.
- c. If your Assessed Maximum Weekly Contribution is **less** than the cost of your service, you will pay only your Assessed Maximum Weekly Contribution.

*Reminder:* If you live with a partner who is on a low income<sup>28</sup> and your Assessed Maximum Weekly Contribution is not nil, you and your partner can request that we carry out an affordability check of your joint situation to ensure that the level of Minimum Income Guarantee for basic living costs is sufficient. See [Affordability-check for couples](#).

Examples of how we calculate charges for non-residential services are shown in [Appendix G. Example Care Charges Calculations](#)

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<sup>28</sup> 'Low income' relates to income (including tariff income from savings) below Department for Work and Pensions minimum allowance/personal allowance levels for benefits.

# 9. Deferred Payment Agreements Policy

## Introduction

Deferred Payment Agreements are a way of making sure you are not forced to sell your home during your lifetime to pay for care, and to give you more flexibility about your care-funding options.

The 'Care and Support (Deferred Payment) Regulations 2014' set out the situations in which Councils *must* offer a Deferred Payment Agreement and where Councils *may* offer a Deferred Payment Agreement. These Regulations are set in accordance with the *Care Act 2014 Sections 34 and 35*.

There are different ways in which people can use their income and capital assets (such as property) to fund long term care, and you should always seek independent financial advice before making any decisions about entering into a Deferred Payment Agreement or when considering other care funding options. There is further information about [Accessing Independent Financial Information and Advice](#) in this document.

This policy details the Council's Deferred Payment Agreement scheme and forms part of the Council's local 'Care and Support Charging and Financial Assessment Framework', which includes the Council's [Care and Support Financial Assessment Policy](#) and [Choice of Accommodation and Additional Payments Policy](#). This Deferred Payment Agreements Policy should be read in conjunction with the other policies within the framework.

## Who this Policy applies to

This policy is for adults who considering entering into a Deferred Payment Agreement with the Council on or after 1<sup>st</sup> April 2015.

A Deferred Payment Agreement is generally only available to people who:

- Have identified needs assessed as being best met in a care home - on a permanent basis; **and**
- Have been assessed to pay the full fees of care home accommodation because of property they own that takes their capital assets above the Upper Capital Limit.

In exceptional circumstances a Deferred Payment Agreement may be made available for someone in supported accommodation (that is: Supported Living, Extra Care Housing, a Shared Lives setting).

This policy does **not** apply to you if you entered into a Deferred Payment Agreement with the Council on or before 31<sup>st</sup> March 2015, and the Deferred Payment Agreement has been secured by way of a legal charge against your property. In these cases the conditions of your Deferred Payment Agreement will continue under the conditions of your existing Deferred Payment Agreement and the new scheme detailed here will not apply to you.

This policy does **not** apply to you if you own your own home AND have savings or other assets above the Upper Capital Limit. In this case you are considered to be able to fund your own placement without the need to involve the Council for funding (the Council can still provide you with assessment, information and advice).

If your savings are only marginally above the Upper Capital Limit you should contact the Council's Financial Assessments and Benefits Team (FAB Team) for further advice about applying for a Deferred Payment Agreement.

## Background

A Deferred Payment Agreement (DPA) is an agreement between you and the Council, where the full payments for your care fees are 'deferred' (put off to a later date) and paid in the meantime by the Council - provided that you can offer the Council a form of financial security (such as a legal charge against your property). The money you owe to the Council for your care fees is then repaid to the Council when your home is sold, or from your estate, or by a third party at the end of the Agreement.

If your financial assessment shows that you can afford to pay a contribution from your income and other capital assets while you are on a DPA, you will be required to pay your assessed contribution throughout the DPA. This will lower the level of the deferred fees to be repaid at the end of the DPA. A financial assessment of your contribution will be carried out under the Council's [Care and Support Financial Assessment Policy](#).

If you accept an offer of a DPA with the Council you will be charged administration fees towards the costs of setting up and monitoring the DPA. You will also be charged interest on the fees that you defer from the start of your DPA.

## Eligibility Criteria

You are eligible to **apply** for a Deferred Payment Agreement if all three points below apply to you:

(a) your care assessment shows that your identified needs are best met in a care home; AND

(b) you have less than (or equal to) £23,250 in assets (such as savings) excluding the value of your home (i.e. in savings and other non-housing assets); AND

(c) your home is not disregarded (other than during a 12-week property disregard period). For example it is not occupied by your spouse or a dependent relative (as defined in Regulations<sup>29</sup>)

If your application meets all the conditions for a 'mandatory' Deferred Payment Agreement, your application **will** be accepted and you will be offered a Deferred Payment Agreement with the Council. The conditions for a mandatory DPA are listed below:

- your care assessment shows that your identified needs are best met in a care home (on a permanent basis); AND
- you own your home and have a legal and beneficial interest in that home, which is not disregarded in your financial assessment (other than during a 12-week property disregard period); AND
- The value of your property capital is sufficient, together with your other income and assets, to be required to pay the full cost of your care home fees; AND
- the total of your other capital assets (not counting your own home) are below the Upper Capital Limit<sup>30</sup> ; AND
- the Council can secure the deferred payment through a First Legal Charge against your property, AND
- the Council considers that you have appropriate property insurance arrangements in place, AND

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<sup>29</sup> Care and Support (Assessment of Resources) 2014

<sup>30</sup> See [Appendix B - Capital Limits Schedule](#) for the Upper Capital limit.

- You have capacity to enter into a Deferred Payment Agreement, or you have a legally-appointed representative to enter into a Deferred Payment Agreement on your behalf

If your application doesn't meet all the criteria for a mandatory Deferred Payment Agreement the Council **may** offer you a 'discretionary' Deferred Payment Agreement (DPA)- provided you meet **ALL** of the following conditions:

- your care assessment shows that your identified needs are best met in a care home on a permanent basis, or, in exceptional cases, in rented supported accommodation<sup>31</sup>; AND
- you own your home and have a legal or a beneficial interest in that home, which is not disregarded in your financial assessment (other than during a 12-week property disregard period), AND
- the value of your property capital is sufficient, together with your other income and assets, to be required to pay the full cost of your care home fees (or, if you have a mortgage, the outstanding amount leaves sufficient value together with your other income and assets to be required to pay the full cost of your care home fees); AND
- the total of your other capital assets (not counting your own home) are below the Upper Capital Limit<sup>32</sup>, or, they are only slightly over the Upper Capital Limit, AND
- you can offer the Council adequate financial security for the deferred payment which can be legally secured, AND
- the Council considers that you have enough equity in your property to enter into a Deferred Payment Agreement.
- the Council considers that you have appropriate property insurance arrangements in place, AND
- You have capacity to enter into a Deferred Payment Agreement, or you have a legally-appointed representative to enter into a Deferred Payment Agreement on your behalf

The Council has discretion over whether your DPA can apply to any additional care fees (top-ups) arising through your choice of accommodation. See [First-Party Top-Ups](#) for more information about this.

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<sup>31</sup> See [Deferred Payment Agreements in other circumstances](#).

<sup>32</sup> See [Appendix B - Capital Limits Schedule](#) for the Upper Capital limit.



Although not generally available, this policy can, in exceptional circumstances be made available for someone in supported accommodation, or an extra care housing scheme or a Shared Lives schemes.

## Specific Property Issues

### Jointly-owned Property

If your DPA is to be secured by way of a legal charge and the property is jointly owned then all registered owners must confirm in writing their agreement to registration of the legal charge against the property, and that they will not object to the sale of the property when the time comes to settle the debt.

This written agreement from the joint owners must be obtained **prior** to the Council considering your DPA application. All joint owners will be required to enter into the legal charge document.

### Shared Ownership and Tenants in Common

A DPA can only be approved if all co-owners and/or landlord agree to the legal charge. Proof of the percentage owned by you and its potential value will also be needed. The maximum legal charge amount would be your share in the total value.

### Equity Release

Where part of the value of your property has been realised by way of equity release, proof of your residual equity in the property will be needed together with written consent of any third party/parties where applicable.

### Leasehold Property

If your property is leasehold property you can apply for a DPA, however sometimes restrictions are placed on the title (registered at the Land Registry) and the agreement of the head landlord/ultimate freehold owner is needed to arrange the placing of the Legal Charge. In these cases it is your responsibility to arrange for any consent needed and to meet any costs involved. In the event that the consent is not forthcoming then the Council cannot accept the property as security.

### Land Registry entries and Unregistered Properties

A DPA can only be secured by way of a legal charge against your property if the property is registered with the Land Registry. Unless an alternative, acceptable form of security is being provided, then a DPA cannot be offered if:

- the property is unregistered; or
- the property is registered but one or more registered party is unable to give a legal agreement because they have died intestate (that is without a valid will); or
- the property is registered but one or more registered party is unable to give a legal agreement because they no longer have mental capacity; or
- the property is a mobile home where it is the land that is registered and not the mobile home;
- the property is leasehold and restrictions in the lease prevent the Council from registering a legal charge with the Land Registry

If one of these applies to your property and you wish to use your property as security for a DPA you must arrange for your property to be registered at the Land Registry and to meet the costs of registration. You can find more information about the Land Registry on the website: [www.gov.uk/registering-land-or-property-with-land-registry](http://www.gov.uk/registering-land-or-property-with-land-registry)

## Financial Information and Advice and Legal Advice relating to a Deferred Payment Agreement (DPA)

If you are considering moving to a care home to meet your identified care and support needs, the Council will ensure that you are made aware of the DPA scheme, with an overview of the advantages and disadvantages of the DPA and the associated administration costs and interest charges.

The Council will provide you with information (in general terms) about:

- types of financial security for a DPA (such as a legal charge against property, or alternative types of security) and any conditions likely to be attached to each type of security;
- the maximum amount that can be deferred (the Equity Limit) and what happens once the Equity Limit is reached;
- how interest and administration costs are charged
- what happens when the DPA terminates, options for repayment and what happens if you don't repay the amount due

Details can be found in the factsheets "Meeting Your Care Home Costs" and "Deferred Payment Agreements" which the Council will provide to you, and are available on the Council's website: [www.reading.gov.uk/carecharges](http://www.reading.gov.uk/carecharges)

The Council will help you to access independent financial information and advice. This may be by:

- putting you in touch with an independent organisation or charity who can give relevant information and advice; and/or
- helping you find a specialist organisation or Independent Financial Adviser for independent regulated financial advice on care funding options.

Some of this information and advice will be free to access and the Council or the independent organisation(s) will make you aware of any charges for accessing certain types of independent financial advice.

You should always seek independent financial and legal advice **before** making any decisions about whether a Deferred Payment Agreement is the best option for you.

The Council can provide you with a Model Deferred Payment Agreement to look at with your legal adviser. We would advise you to seek financial and legal advice as soon as possible so that you have all the information to decide on the most suitable funding arrangements for you, so that you can start making any necessary applications /arrangements to have them in place before you are liable to pay the full cost of your accommodation. There is further information about finding independent financial advice and legal advice on the Council’s website [www.reading.gov.uk/carecharges](http://www.reading.gov.uk/carecharges)

## Equity Limit

The ‘Equity Limit’ is the term used to describe the maximum amount which you can borrow under a Deferred Payment Agreement (DPA).

This maximum amount is calculated by taking the value of the property and reduce it by 2 amounts: 10% of the valuation; and a fixed amount equivalent to the Lower Capital Limit (shown in [Appendix B - Capital Limits Schedule](#) )

Example - the property is valued at £200,000

Less 10%	-	£20,000
Less fixed amount	-	£14,250 (Lower Capital Limit)
Equity Limit	=	£165,750

If subsequent revaluations produce a different value to the initial property valuation, in the case in the example £200,000, then the new figure will be used to calculate a new equity limit.

Example - the property is re-valued at £220,000

Less 10%	- £22,000
Less fixed amount	- £14,250 (Lower Capital Limit)
Equity Limit	£183,750

## Providing Adequate Financial Security

If you are wishing to enter into a Deferred Payment Agreement (DPA) with the Council, you will need to provide an adequate form of security for the period of your DPA.

The Council will normally expect the DPA to be secured by a legal charge against your property. However in certain circumstances other forms of security can be considered.

### Legal Charge

A legal charge is a legal document held by the Land Registry which is registered against a property when someone other than the registered owner of the property wants to have it legally acknowledged that they have a financial interest in the property.

A legal charge in favour of the Council would need to be repaid on completion of the sale of your property, or on your death, so that the Council can arrange removal of the legal charge with Land Registry.

A first legal charge means that the Council has first priority. If a property already has a mortgage secured against it as a first charge, a legal charge registered by the Council would be a second charge. This means that the mortgage lender's legal charge has priority over the Council's legal charge.

A legal charge can only be registered with Land Registry if:

- all the property owners consent to the charge; and
- the property is registered with Land Registry; and
- there are no leasehold restrictions, or, if there are, that the head landlord/ultimate freehold owner agrees to the legal charge; and
- all third parties (such as mortgagees) have given consent to the charge

See [Specific Property Issues](#) for more information about these situations.

There is more information about legal charges on the Land Registry pages of the [www.gov.uk](http://www.gov.uk) website

## Solicitor's Undertaking

A solicitor's 'undertaking' is a legally binding agreement. The Council may accept a solicitor's 'undertaking' letter as security against your deferred payments where your solicitor undertakes (commits) to pay the Council the full amount of your Deferred Payments Agreement, usually from the proceeds of the sale of your property. This may be relevant if you have already instructed your solicitor in the sale of your property at the time you apply to the Council for a DPA.

## Alternative Types of Financial Security

It would not normally be Council policy to accept any other form of financial security besides a legal charge or a solicitor's 'undertaking' letter. However in exceptional circumstances it may be possible to consider one of the alternatives listed below.

It must be noted that such alternatives may incur additional administrative costs due to the need to have specialist legal and financial advice to complete the arrangements and ensure the Council's financial position is fully protected. Any such extra costs will need to be met by you even if your application is subsequently turned down.

- **A third party guarantor:** this is where a third party (for example, a family member) agrees to pay the charges due. This will require a binding agreement to be signed by the third party subject to the third party having and offering an appropriate form of security.
- **A valuable possession or possessions** (sometimes referred to as 'chattels'). For this to be acceptable to the Council, proof of the value of your possession(s) that you are offering as security will be needed in addition to a binding form of agreement that in the event of failure to settle the deferred payments due, this/these item(s) become the property of Reading Borough Council. The Council would need to see evidence that the item used as security is adequately insured.

The Council has full discretion in individual cases to refuse a Deferred Payments Agreement application if it is not satisfied that adequate security is in place.

## Assessed Contribution & Flexible Disposable Income Allowance

During the course of the Deferred Payment Agreement you will be assessed to make a financial contribution based on your income and savings and assets other than your property. You are required to pay your assessed contribution on an on-going basis and should not add to the level of the deferred debt. (See [Default Provisions](#) about the effect of non-payment.)

For information about how your income and savings are calculated in your financial assessment, see [FINANCIAL ASSESSMENT AND CHARGING FOR CARE HOME ACCOMMODATION](#) .

In calculating your assessed contribution during your Deferred Payment Agreement the regulations<sup>33</sup> allow you to keep a weekly 'disposable income allowance' - up to a set maximum amount. This disposable income allowance is more than, and in place of, the 'personal expenses allowance' so that you have enough money for your personal expenses and to maintain and insure your property.

The current rate of disposable income allowance is shown at [Appendix C - Financial Assessment Allowances Schedule](#)

You can choose to keep the maximum disposable income allowance or to keep a lower amount - as you wish. In deciding whether to keep your full disposable income allowance, you should consider the potential effect on the level of your deferred debt as well as the flexibility you have.

For example - if you keep the maximum disposable income allowance then your deferred payment will be larger and you will pay more in interest. However by keeping the maximum disposable income allowance you have most flexibility in how you spend that allowance. For example, if you found that you hadn't needed to spend as much of the allowance as you had first thought, you could pay a lump sum off your deferred debt.

You should seek independent financial advice before making decisions about entering a Deferred Payment Agreement.

## Renting Out Your Property

If you wish to rent out your property while on a Deferred Payment Agreement (DPA) you should seek independent financial and legal advice. This is a decision for you to make, however we can support you to access independent information and

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<sup>33</sup> Care and Support (Deferred Payment) Regulations 2014

advice - see [Financial Information and Advice relating to a Deferred Payment Agreement \(DPA\)](#) .

If you are applying for a DPA and are proposing a letting arrangement, you must let us know so that the proposed letting arrangement can be agreed. This information will be collected by the Financial Assessments and Benefits Team (FAB Team) and submitted to the relevant Head of Service along with the DPA application.

If your property is already let, you should seek legal advice before proceeding with a DPA to confirm the length of tenancy and termination clauses. We can support you to access independent information and advice.

We will include your net rental income as part of your assessed weekly contribution to your care and support. Your net rental income will be the amount after agent's fees, any liability to taxation and reasonable maintenance expenses.

You must make sure your property insurance is appropriate to a letting arrangement.

There is advice for landlords on the Council's website: [www.reading.gov.uk](http://www.reading.gov.uk)

## The Deferred Payment Agreement Application Process

If you wish to apply for a Deferred Payment Agreement, you will need to do this in good time to allow for your application to be considered and legal arrangements to be in place before you need the funding (for example, to be in place before the end of your 12-week property disregard period).

### 1. Information given to you about Deferred Payment Agreements (DPA)

If your identified needs show that a care home placement is appropriate to meet your needs, we will:

- check with you whether you own your home and establish whether your property will be disregarded in your financial assessment;
- carry out appropriate checks, including previous financial assessments and a Land Registry search;
- tell you if we think you are eligible for a 12-week property disregard and Deferred Payment Agreement as soon as a placement in a care home is identified as appropriate. This is likely in most cases to be before the care home placement starts.
- give you information about our Deferred Payment Agreement scheme and help you to access independent financial and legal advice;
- carry out a financial assessment of your situation (your income, savings, details and value of your property capital, outgoings relating to your property)
- invite you to apply for a DPA, giving a date by which you should return the completed application. This date should be no later than five weeks from the date your placement started in the care home;
- make clear to you that if your proposed security is a legal charge against your property, a DPA will only be agreed if the Council gets agreement from the owner(s) to a Legal Charge being placed;
- tell you if we need to arrange a formal valuation of your property and tell you that may arrange your own valuation if you wish to do so. If these valuations differ substantially then we will discuss the valuations with you



to mutually agree a valuation. The cost we incur in carrying out the valuation will be reflected in the administration costs charged to you in the set up fees.

## 2. Submit your Deferred Payment Application - Within five Weeks

A DPA application form must be completed, signed by you<sup>34</sup> and returned to us within five weeks of admission to a care home on a permanent basis.

- Any period in respite care does not count towards this five-week period.
- This time limit is not affected if you place yourself privately in a care home and then subsequently receive Council approval for funding, for example because there is general agreement with your family that a care home placement is needed and you move there because there is a vacancy in your preferred home.
- If you had been in a care home on a self-funding basis (because of the level of your income or capital) and you now wish to apply for Council funding and a DPA, you should submit an application for a DPA as soon as possible and no later than five weeks after the need to apply for DPA has been identified either by us or you.
- If you are already in a care home and become eligible to apply for a DPA in other circumstances you should submit an application for a DPA as soon as possible and no later than five weeks after the need to apply for DPA has been identified either by us or you. For example - this could be where your property had previously been subject to a statutory disregard but that disregard has now ended.

If you are offering an alternative form of security to a legal charge, you must state this on your application and provide details of your proposed security. See [Providing Adequate Financial Security](#) about alternative types of security.

## 3. Considering your Application and Making a Decision - Within 10 days

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<sup>34</sup> Or your appointed representative - see also [MENTAL CAPACITY TO MANAGE FINANCES](#) for more information about this.

We will check your DPA application form and follow up on any queries that may arise, including ensuring a property valuation has been obtained. We will need to have all information related to your DPA application, including what your intentions are for the property and the equity available. If you have given us all the relevant information we will consider all the information and make a decision.

If your application doesn't meet the criteria for a mandatory Deferred Payment Agreement we will carry out an assessment of whether your DPA is sustainable.

This assessment will address, among other things, the likely period of the DPA, the equity available, the level of any top-up and the period of time you would be able to defer the weekly costs. A top-up would be needed if you chose a care home whose fees are greater than the amount we would expect to pay to meet your identified needs (See the [Choice of Accommodation and Additional Payments Policy](#)). The factors which will be considered when assessing sustainability are:

- the likely period you will want the DPA;
- the equity available;
- the sustainability of any contribution from savings;
- the flexibility to meet future care needs;
- the amount of any top-up payment for preferred accommodation;
- the period of time you would be able to defer your costs for;

If you are offering a form of security other than a legal charge against your property, we may seek specialist legal and financial advice.

One of our senior managers will review all the information and decide whether to accept your Deferred Payment Application.

**Specialist legal and financial advice:** If we have had to seek specialist legal and/or financial advice on your application (for example, because you are offering security other than a legal charge against your property) this may delay our decision on your application. We will tell you if this is relevant to you and give you an estimate of the additional costs of this specialist advice beforehand - as these additional specialist advice costs will be recharged to you.

We will decide whether the application meets the criteria set out in this DPA policy.

If your application is accepted we will write to you to confirm our decision. We aim to do this within a week of receiving your application unless specialist financial or legal advice is required. This is our formal offer of a Deferred Payment Agreement to you. Our letter will also state:

- any conditions attached to the DPA, (for example, insurance requirements of the property).
- estimated administration charges and interest rate that will be applied to the deferred debt
- when and how often we will send you statements of your deferred debt
- any benefits you may be entitled to claim when you make your own care funding arrangements and how to do this
- your assessed weekly contribution which you need to pay on an on-going basis
- the agreed level of your weekly disposable income allowance
- the invoicing arrangements and how to pay your ongoing weekly assessed contribution
- that failure to maintain your assessed weekly contribution could result in the Deferred Payment Agreement being terminated
- the weekly amount that is agreed to be deferred under the DPA and any other costs agreed to be deferred under the DPA
- where the agreed security is a legal charge, and there are joint owners of the property, they must all consent to the placing of a legal charge against the property and, that if any of the joint owners do anything to prevent the legal charge being placed this will result in the offer of the DPA being withdrawn and the Council will immediately notify your care provider that it is ceasing to be involved in the placement.

Our letter constitutes an offer of a DPA to you and will state the date from which the DPA is proposed to start. It will be produced in duplicate, one copy to be signed by you and to be returned as your acceptance of the DPA offer. The other copy is to be retained by you.

If your DPA application is refused we will tell you the reason/s and we will write to you to confirm this decision. You can appeal this decision if you wish - see [Appealing the Council's decision about a DPA](#) .

Our letter will explain:

- the reason(s) for refusing your application
- the start date for when you need to make your own care funding arrangements (usually the end of your 12-week property disregard period).
- any benefits you may be entitled to claim when you make your own care funding arrangements and how to do this
- how to appeal our decision about your DPA application
- how to make a complaint

- that we will tell your care accommodation provider the date the Council will stop funding your care
- if there are administration costs that you need to pay, how much these are.

Where a DPA application is refused, any administration charges will usually be waived. However this will be considered on a case by case basis and if there is evidence that the application was pursued unreasonably (for example if you insisted on pursuing an application despite our advice about your eligibility), or you belatedly responded to our requests for information needed in order to establish your eligibility, or otherwise put us to excessive trouble, then the charges will be made.

#### **4. Accepting a Deferred Payment Offer from the Council - Within 10 Days**

If we have sent you an offer letter of a Deferred Payment Agreement, we will send you two copies of that letter. If you wish to accept the DPA offer you must return a signed copy of our letter within 10 days.

#### **5. Prepare the Deferred Payment Agreement and financial security documents - within 14 days**

If you've accepted our offer of a DPA we will draw up a Deferred Payment Agreement and documents relating to your identified security (usually a legal charge document relating to your property). These are legally-binding agreements and we would usually send these directly to your legal adviser so that you can take advice from your legal adviser before you sign and return the Deferred Payment Agreement and documents (see [Financial Information and Advice relating to a Deferred Payment Agreement \(DPA\)](#))

You will need to read the Agreement, sign the documents and the DPA and return the Agreement and the documents relating to your security. .

If other people need to give their consent as well as you (for example, if your property is jointly-owned, or leasehold), you will need to obtain ALL those necessary signatures on the documents<sup>35</sup>. We will tell you if this applies to you.

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<sup>35</sup> If you are acting on behalf of the applicant as their legally-appointed representative and you are also a joint owner of the property being used as security, you will need to give permission both in your own right as a joint owner, and as the representative of applicant as a joint owner on legal charge documents relating to the property.

## 6. Return the signed Deferred Payment Agreement and documents within 14 days

You must return the signed Deferred Payment Agreement and relevant signed legal documents (including signatures from other parties where needed) within 14 days. If you don't return the signed Agreement and signed document(s) relating to your security we will not be able to proceed with your DPA and you will need to make your own care funding arrangements. We will contact your care accommodation provider and tell them the date that the Council will stop funding your care. You will be charged the administration costs we incur.

(If the reason for not signing is because of lacking mental capacity, see [DPAs for People Lacking Mental Capacity](#))

## 7. Your Deferred Payment Agreement starts

At the start of the DPA we will open up an account to record the following:

- The valuation of your property and the date of this valuation.
- Your agreed weekly deferred amount
- Administration costs and interest charges to be applied.
- The date of the first statement, which will be within six months of the start of your DPA and every 6 months thereafter. These will be produced to match the review of interest rates by the Government (1 January and 1 July each year).

We will revalue your property when debt deferred reaches 50% of the value of the security, and periodically thereafter. Any cost of revaluation will be re-charged to you through Administration charges.

## DPAs for People Lacking Mental Capacity

If a person lacks the mental capacity to give informed consent to a legally binding agreement, it means they are not themselves capable of entering into a DPA. If someone else has been legally-appointed to act for them, that person can apply for a DPA on their behalf. To enter into a DPA on behalf of someone else, that person must be one of the following:

- a deputy appointed by the Court of Protection
- the holder of a registered Enduring Power of Attorney
- the holder of a registered Lasting Power of Attorney (which must include authority to manage the person's property and financial affairs).

The named 'applicant' on the DPA will be the person they act for, but the person acting for them will complete and sign the DPA on their behalf.

If there is no-one legally appointed to act, and the person lacks mental capacity to confer a Lasting Power of Attorney, attempts should be made to identify someone who is willing and able to apply to the Court of Protection to become a deputy for that person, to manage their property and financial affairs. This could be a relative, a friend, a solicitor, or where there is no-one else suitable, the Council.

The person applying to the Court of Protection must state their intent to enter into a Deferred Payment Agreement with the Council. Once the Court of Protection makes a 'First General Order' appointing the deputy, the deputy can enter into a DPA with the Council on behalf of the person. As the deputy application process takes time, the Council has an [INTERIM FUNDING POLICY](#) to deal with the period until a deputy has been appointed by the Court and can enter into a DPA with the Council.

See also general information about [MENTAL CAPACITY TO MANAGE FINANCES](#) .

## Conditions Placed on Deferred Payment Agreements

We can't agree to a Deferred Payment Agreement if no suitable security is available or you wish to defer a larger amount than (in our assessment as set in [The DPA Application Process](#) ) you can provide security for.

We will require prompt settlement of your assessed contribution during the lifetime of your DPA. (See [Default Provisions](#) which deals with the Council's position in the event these contributions are not settled promptly.)

We will require your property to be properly maintained and insured. We may require evidence of your property insurance at any time, including evidence that your insurer has been informed if your property is unoccupied for any period. If maintaining your property means that some of your savings are reasonably required to be used to bring the property up to a suitable standard of maintenance, we will not withhold its agreement to this use of capital unless there is evidence the level of cost is deemed unreasonable.

When an application for DPA is received we may arrange a formal valuation of the property or the share of it owned by you. You can, if you choose, arrange your own valuation. (See [The Application Process](#) above on how to proceed if these valuations differ.)

We will arranged for a re-valuation when the amount deferred reaches 50% of the value of the security to ensure the level of deferred debt stays within the equity available. Any change in the value will be recorded and the potential impact on the DPA calculated and communicated to you. The cost of this re-valuation will be charged to you as an administration cost.

You must tell us immediately about any changes which affect, or may affect, your DPA or your level of capital. The following are examples but are not a comprehensive list:

- If you inherit a sum of money.
- If structural problems are discovered at your property, e.g. subsidence.
- Should a close family member move into or out of your property.

When your deferred debt reaches 70% of the value of the security there will be a review of the cost of your care and a discussion with you about:

- when you might be eligible for means-tested support
- implications on any top-up payments if they are currently included in your care costs (through your preferred accommodation choice)
- potential changes to your welfare benefit entitlements.

## Interest & Administration Charges

Interest will be added to the amount you defer from the start of your Deferred Payment Agreement, at the maximum rate of interest set in the *Care and Support (Deferred Payment) Regulations 2014*<sup>36</sup> by the Department of Health. The Department of Health reviews this rate every six months effective from 1 January and 1 July in each year. If the amount you defer includes your administration fees, interest will be applied to those also.

Interest is charged at compound rates. This means that interest is added to the total debt including previous interest charges. Compounding will take place daily.

In the event that the equity limit is reached (see [EquityLimit](#) above) interest will continue to be added to the deferred debt until the total outstanding is settled. Interest will continue to be charged after you die and/or after the service ends until the total outstanding is settled.

Administration fees are divided into fixed costs and variable costs. Variable costs are charged in line with the amount of work involved in the individual agreement. Administration fees will be charged when a Deferred Payment Agreement is set up

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<sup>36</sup> This maximum rate is set in the Regulations as the weighted average interest rate on conventional gilts plus 0.15%. The rate is reviewed every six months (after the Office of Budget Responsibility publishes its report on gilts).

and during the lifetime of your Deferred Payment Agreement - including an annual administration charge. The schedule of Administration fees is shown at [Appendix A - Schedule of Fees and Charges](#) and will be subject to annual review to take account of inflation.

We add your administration fees will be added to the amount deferred unless you request for these to be invoiced to you separately for immediate payment. You would need to request this when you apply for your Deferred Payment Agreement. Note that unless you pay the administration costs immediately these will be added to your deferred debt and you will be charged interest on the administration costs at the same rate as that applied to your deferred payment.

## Six-monthly Statements of Deferred Payments

The Deferred Payment Agreement starts to run from the date notified in your DPA Offer letter (see [The DPA Application Process](#) above).

Statements will be produced as at 1 July and 1 January each year. These statements will be completed within six weeks of these dates. We will send you two copies of the statement.

The statements will show the following figures:

- The original property valuation.
- The equity available or maximum amount which can be borrowed under DPA.
- Any revised property valuation
- The revised equity available resulting from this change in the property value.
- The total cost of care for the six months to the statement date, split between assessed contribution and deferred debt.
- Payments received in settlement of the assessed contribution.
- The amount of any interest charges and administration costs added to the debt.
- The total deferred debt outstanding including these interest and administration costs.
- Balance of equity still available (after deducting the amount of total deferred debt).
- Approximate period this equity is expected to last.

You will be expected to check this statement and sign and return one copy to acknowledge that the statement is, to the best of your knowledge, correct and retain one copy. If a signed copy is not returned within four weeks we will write to



state that, as no correction has been notified, the statement will be recorded as correct.

You may request a statement at other times and we will provide such a statement within four working weeks of receipt of such request.

## Settlement of the Deferred Debt

If you have placed the property for sale on admission to long-term care, or you have chosen to sell at a subsequent date, the accrued debt will be due for repayment upon the sale of your property. We will calculate the accrued debt and, on receipt of the outstanding monies, we will apply to the Land Registry to remove the legal charge against your property.

In this event your DPA will be terminated and you may become responsible for paying the full costs to your care home ('self-funding') - depending on the balance of funds available after clearing the deferred payments.

If your property has not been sold at the date of your death we will contact your executor, if known, no less than two weeks after your death and no more than four weeks after. If the executor is not known and if you had previously identified a third party to help us reclaim the amount deferred, we will contact that third party within the same timescale. If neither is known then the person who was acting as your representative will be contacted. We will advise the person responsible that settlement should be made within 90 days of the date of death or a report provided on progress made and a likely date for settlement.

When making contact we will notify the amount outstanding and how this is made up and whether any further charges may accrue, for example further interest.

Should the executor or administrator of your estate decide to settle the debt without, or before, selling your property, we will accept such settlement and apply to the Land Registry to remove the legal charge or release any alternative security provided.

## Deferred Payment Agreements in settings other than a Care Home.

Although it is not our general policy to allow DPA for situations other than admission to a care home, consideration can be given in exceptional circumstances to applications from people in rented supported accommodation, extra care housing schemes or Shared Lives schemes. In these cases your assessed financial

contribution is dealt with in Part 3 of this Charging and Financial Assessment Framework, which deals with non-residential care and support.

Generally we would expect that people moving from their property to rented supported accommodation (such as extra care housing schemes, Supported Living, Shared Lives Schemes) would either: have financial options available to them to pay their extra care housing costs (rent and care costs) from their property - such as letting their property, and using the rental income to pay the rent and care costs at their supported accommodation, or selling their property and claiming Housing Benefit towards their rent while the property is on the market; or that the Council considers it appropriate to disregard the property value (for example, a discretionary property disregard)

However we are prepared to consider extending DPA to rented supported accommodation settings in exceptional circumstances. This is likely to result in the need for us to seek specialist legal advice on a case by case basis and the costs of this legal advice will be recharged to the individual. We would contact you before this with an estimate of the costs. Exceptional circumstances could include, for example, where you have a good reason why you are unable to sell or let your property at the current time and you have no entitlement to Housing Benefit, and your income, savings and investments do not cover the costs of your supported accommodation.

To apply for a Deferred Payment Agreement for rented support accommodation you should first contact our FAB Team to explain what the exceptional circumstances are in your particular case.

## Default Provisions

The Deferred Payment Agreement is a contract between us (the Council) and you (the Applicant).

- We will agree to pay the full cost of your placement to your care provider and you will either agree to allow a Legal Charge to be placed (and agreement by the other property owners in the case of jointly-owned property), or provide sufficient acceptable security. This security ensures that the Council can recover its outlay on your behalf for the period that your savings and assets, net of the level of deferred contribution, are greater than the upper capital limit.
- **Assessed contributions during your DPA period:** you agree to pay your assessed contribution in a timely way. We will send you regular invoices for this purpose.

Failure to pay your assessed contribution for three months may lead to the Council refusing to continue deferring your ongoing care home payments. We will look at each case on its own facts and will not apply this clause if there are genuine reasons for non-payment, e.g. difficulty in accessing bank accounts, and will agree an alternative timescale. We will give 30 days' notice of intention to apply this clause explaining how your care needs should be paid for from that date.

- **Reaching your equity limit:** We will also give 30 days' notice of the date that you are likely to reach the equity limit. In this case we will contact your care home and attempt to negotiate a rate that we would usually expect to pay to meet your needs, and will reassess your financial contribution due.
- Should your property for which the DPA was arranged become occupied by a relative for whom a statutory disregard may apply, we will establish the reasons behind this change and decide whether it is appropriate to allow the property to be disregarded. If a disregard is agreed we will write to confirm the end date of the deferred payment, confirming the Deferred Debt outstanding, and that interest will continue to accrue until the debt is settled.

**Insuring and Maintaining your property:** In the event that we judge that your property is not being properly maintained and/or insured, we will consider whether to refuse to defer future payments for your care. In this event we will give 30 days' notice and explain how your care needs should be paid for from that date. During this 30-day period you may appeal if you believe we have acted unfairly. Your appeal should either demonstrate why the insurance or state of maintenance are in fact satisfactory or what steps are being taken to remedy the failing(s). Your Deferred Payment Agreement will contain further information about the provisions in these situations.

## Appealing our decision about a Deferred Payment Agreement Application

If you disagree with our decision about your DPA application you have the right to request a review of the decision. The review will be carried out by a different Senior Manager in the same way as a financial assessment review.

If you wish to appeal you should contact the FAB Team with details of your appeal, or fill in an Appeal Form and submit any additional evidence with your appeal and send this to the FAB Team. The Appeal will be carried out through the same

process as the financial assessment appeals. A Deferred Payment/Interim Funding appeal form is within this appendix of this Framework.

Appeals, Exceptional Circumstances and Waivers

DEFERRED PAYMENT AGREEMENT / INTERIM FUNDING - APPEAL REQUEST FORM

# 10. Interim Funding Policy

## Introduction

An Interim Funding arrangement is where the Council agrees to pay the cost of care home accommodation to your care provider on your behalf for a short (interim) period of time until a longer term funding arrangement is in place.

There will be occasions when a person entering a care home, who would be financially-assessed as able to meet the full care home fees, is unable to pay those full costs immediately, and is not eligible for a Deferred Payment Agreement (for example, because they lack mental capacity to enter into a legal agreement and they don't have a financial representative who can access their financial assets).

This policy details the Council's approach to providing a balance between the Council's duty of care in these situations while seeking to protect the Council's resources from financial risk, where there are no acceptable forms of financial security.

This policy is designed as a short-term substitute for other funding arrangements - (for example - once a legal representative has been appointed to deal with a person's financial affairs). It is not intended to take the place of a longer-term funding arrangement (such as a Deferred Payment Agreement or a private payment arrangement with a care home).

## Who this Policy applies to

This policy primarily relates to adults who lack mental capacity to manage their financial and property affairs and who:

- do not yet have a legally-appointed representative to deal with their financial affairs; AND
- have capital assets above the upper capital limit (which may or may not include a property); AND
- have needs identified as being best met in a care home on a permanent basis; AND

- do not have access to any other short term arrangements<sup>37</sup> to cover their care home fees

There may be occasions where the Council will consider offering Interim Funding for other short-term situations where it has not been possible to enter into a Deferred Payment Agreement due to factors that are in the process of being resolved. For example, where an individual is seeking a Deferred Payment Agreement, but is currently unable to do so due to issues around the registration of their property which they are actively taking steps to resolve.

## Background

The Council's Deferred Payment Agreement Policy is detailed in section 9 of this Framework, however the Council can only agree to a DPA if a person has capacity to enter into the DPA, or if they lack capacity, that someone has the legal authority to enter into a DPA on their behalf.

Where a person is taking steps to become legally-appointed to act on behalf of a person who lacks capacity (for example, applying to the Court of Protection to become a deputy) this process can take several months. During this time, while a person lacking capacity needs a placement in a care home, but the person applying to act for them doesn't have legal authority to enter into long-term funding arrangements, the person applying to become deputy can apply to the Council for an Interim Funding arrangement.

The circumstances where the Council will consider Interim Funding cannot be set out in a comprehensive list as there is the possibility of a situation arising for the first time, but examples of the type of situation where Interim Funding can be considered are:

- Sudden loss of mental capacity and an application to the Court of Protection is being made to appoint a deputy
- The holder of a Lasting Power of Attorney or Enduring Power of Attorney is not able to act for the person. This could be because that person has died or they have lost mental capacity themselves, and someone else is applying to become a court-appointed deputy.
- a property is jointly owned but the other owner is unable to agree to a legal charge because, for example, they have lost mental capacity and someone is applying to become a court-appointed deputy for this person.
- The property is unregistered but steps are being taken to arrange registration.

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<sup>37</sup> For example:- an arrangement with their Care Home Provider to defer payment of the fees until a deputy has been appointed for them

## Eligibility Criteria

The Council may consider Interim Funding for you if:

- Your identified needs can only be met in a care home on a permanent basis; AND
- Your financial circumstances indicate that you are responsible for the full cost of your care home accommodation under the Council's Care and Support Financial Assessment and Charging Policy; AND
- You lack mental capacity to manage your finances; AND
- Your representative is not yet legally-appointed to manage your financial affairs; AND
- Your representative has not been able to make an arrangement with your care home to defer your care fees until they become appointed; AND
- Your representative has no other interim funding alternatives available to them while they wait for the Court to appoint them as deputy; AND
- Your representative is willing to provide a written undertaking that they are applying to the Court of Protection to become deputy and that once they are appointed deputy by the Court they will either discharge the deferred care fees or (where eligible) enter into a Deferred Payment Agreement with the Council

The Council may consider other situations to offer you Interim Funding if a Deferred Payment Agreement is temporarily not available to you due to factors that you are actively seeking to resolve (for example, if your property is unregistered). These will be considered on a case-by-case basis.

## Financial Information and Advice for representatives

We will provide your financial representative with information about the Council's Interim Funding Policy and [Deferred Payment Agreements Policy](#). Details can be found in the factsheets "Meeting Your Care Home Costs" and "Deferred Payment Agreements" which Social Care Workers should give to you or your representative, and are available on the Council's website [www.reading.gov.uk/carecharges](http://www.reading.gov.uk/carecharges) .

We will help your financial representative to access independent financial information and advice on your behalf. This may be by:

- putting them in touch with an independent organisation or charity who can give relevant information and advice; and/or
- helping them find a specialist organisation or Independent Financial Adviser for independent regulated financial advice on your care funding options

Some of this information and advice will be free to access and the Council or the independent organisation(s) will make your representative aware of any charges for accessing certain types of independent financial advice.

Your representative who will be acting for you should always seek independent financial and legal advice **before** making any decisions about whether a Deferred Payment Agreement is the best option for you.

The Council can provide your representative with a Model Deferred Payment Agreement to look at with their legal adviser. We would advise your representative to seek financial and legal advice as soon as possible so that they have all the information to decide on the most suitable funding arrangements for you, so that they can start making any necessary applications /arrangements. There is further information about finding independent financial advice and legal advice on the Council's website [www.reading.gov.uk/carecharges](http://www.reading.gov.uk/carecharges)

## The Application Process

If we identify that a person going into a care home has capital assets above the upper limit, or has a property, or a beneficial interest in a property, and that the person not only lacks capacity but has no-one with the legal authority to represent them, their Social Care Worker will take steps to identify someone who can take responsibility for becoming the legal representative (such as a court-appointed deputy). This would usually be a family member, or friend, or solicitor, or where there is no-one else suitable, the Council. The person identified would be given support to access information and advice services, including independent financial and legal advice.

### 1. Information given to financial representative about Interim Funding

The person identified as taking forward an application to legally manage the financial affairs of the person entering a care home ('the financial representative') will be sent:

- information about care home charges
- the financial assessment process
- information about Deferred Payment Agreements (if there is property)
- Details of Interim Funding arrangements, including interest charged on accrued care home costs
- an Application form for Interim Funding
- information about how to apply for Interim Funding
- how to access independent financial and legal advice



We will carry out a Land Registry search where relevant.

## **2. Financial representative submits application for Interim Funding (within two weeks)**

If the financial representative is unable to make financial arrangements immediately for the care home fees, they can ask the Council to consider Interim Funding, and will need to submit the Application form for Interim Funding which includes a 'letter of intent' to:

- confirm that they are taking steps to become legally appointed to deal with the finances and what steps have been taken so far
- in the cases of property ownership, what are their intended plans for the property and long term funding arrangements
- undertake to keep the Council informed of the process to either settle outstanding charges or agree to a Deferred Payment Agreement and legal charge, or a combination of these if appropriate, once the legal power to act is in place.
- The application will need to give full information on property ownership to ensure a reliable valuation can be carried out.

## **3. Considering the Interim Funding application and making a decision (within 10 days)**

On receipt of the information in the 'letter of intent' and application form we will carry out an assessment of the proposed arrangements and decide whether they are acceptable, sustainable, and provide sufficient guarantee to protect the Council's financial position. The factors which will be considered when assessing this include:

- the likely period the Interim Funding will be needed
- the amount that could be paid from the resident's state benefits by the financial representative appointed by the Department for Work and Pensions to manage the resident's benefits
- the financial representative's intentions for longer-term funding arrangements once they are appointed deputy for the resident
- the amount of any top-up (a top-up would be needed if a preferred choice was expressed for a care home whose fees are greater than the amount we would expect to pay to meet the identified needs - See the [Choice of Accommodation and Additional Payments Policy](#)).
- What alternative funding arrangements have already been considered by the financial representative

- Evidence that the financial representative has obtained, or is actively seeking, independent financial and legal advice about long term care funding arrangements for the resident

We will decide whether the financial representative's request for Interim Funding for the resident meets the criteria set out in this Interim Funding Policy - a Senior Manager will review the Interim Funding application to verify that the proposed Interim Funding and the plans to be able to legally act do not place the Council at undue risk, while taking account of the Council's responsibility to safeguard the individual in need of care.

If the application is accepted we will write to the financial representative to confirm our decision. We will send two copies of the letter, one of which will need to be signed and returned by the financial representative to confirm acceptance of the Interim Funding arrangement. This letter will also state:

- any conditions attached to the Interim Funding (for example, insurance of the property).
- the interest rate that will be applied to the accrued debt through the Interim Funding arrangement
- administration fees applied for monitoring the accrued debt through the Interim Funding arrangement
- When and how often we will send statements of the accrued debt to the financial representative
- any benefits to be claimed by the financial representative on behalf of the resident and how to do this
- the assessed weekly contribution which the financial representative will need to pay on an on-going basis (for example, from state benefits)
- the agreed level of your weekly disposable income allowance (if relevant)
- the invoicing arrangements and how to pay the ongoing weekly assessed contribution
- that failure to maintain the assessed weekly contribution from available income could result in the Interim Funding arrangement being terminated
- the weekly amount that is agreed to be accrued under the Interim Funding arrangement and any other costs agreed to be accrued under the arrangement
- Our expectations of the financial representative to keep the Council updated with progress of their application to act for the resident
- Our expectations of the financial representative to discharge the accrued debt or enter into a Deferred Payment Agreement with the Council when they have been legally-appointed to act for the resident

- that if a Deferred Payment Agreement application is anticipated that where there are joint owners of a property all owners must consent to the placing of a legal charge against the property
- our estimated costs of entering into a Deferred Payment Agreement if the financial representative is intending to do this when they have legal authority to act.

If the application is refused we will tell the financial representative the reason/s and we will write to them to confirm this decision.

Our letter will explain:

- the reason(s) for refusing the application
- the date from which the financial representative will need to make arrangements on the resident's behalf for care funding (usually the end of a 12-week property disregard period).
- any benefits the financial representative may be able to claim on behalf of the resident
- how to appeal our decision about Interim Funding
- how to make a complaint
- that we will tell the care accommodation provider the date the Council will stop funding the care costs

#### **4. Accepting the Interim Funding arrangement offered from the Council (within 10 days)**

Where applications have been accepted and we have sent two copies of the outcome letter to the financial representative, the financial representative must return a signed copy of our letter within 10 days.

#### **5. Agreed Interim Funding arrangements start: setting up invoicing and monitoring arrangements to track the accruing costs and interest**

We will carry out periodic checks on the interim funding arrangement and if no update has been received for three months we will contact the financial representative to request an update.

Once the financial representative has obtained the legal power to act for the resident and provides evidence to us, we will write to the financial representative to confirm that the Interim Funding will cease and either the accrued debt (including interest and any administration charges) will need to be paid in full, or the financial representative will need to enter into a Deferred Payment Agreement on the resident's behalf, secured by a legal charge against the resident's property.

## Conditions Placed on Interim Funding

Interim funding is provided subject to the following conditions

- The person acting for you will take all reasonable steps to acquire the legal authority to act. This includes applying to the Department for Work and Pensions to become appointee to manage your state benefits.
- The portion of the charge relating to your state benefits will be paid promptly by your financial representative once they have been appointed to deal with your state benefits.
- Once legal power to act is granted, the Interim Funding agreement will either be converted to a Deferred Payment Agreement or the balance of accrued charges including interest and administration charges is paid in full.

## Interest and Administration Charges

The interest charges will be the same as for Deferred Payment Agreements. The annual administration fee for monitoring the Interim Funding Arrangements will be the same as for Deferred Payment Agreements. The Administration Charges for set up fees will be replaced by Deferred Payment set up fees when an Interim Funding Arrangement is set up. See [Interest & Administration Charges](#)

## Six-monthly Statements

The Interim Funding starts to run from the start date notified (or at the end of a 12-week property disregard periods).

We will produce statements of your accrued debt as at 30 June and 31 December each year. These statements will be completed within six weeks of these dates. Two copies of the statement will be sent to your financial representative.

The statement will show the following figures:

- The original property valuation.
- The equity available or maximum amount which can be borrowed under interim funding.
- Any revised property valuation.

- The revised equity available resulting from any change in the property value.
- The total cost of care for the period to the statement date, split between assessed contribution and deferred debt.
- Payments received in settlement of the assessed contribution.
- The amount of any interest charges and administration costs added to the debt.
- The total deferred debt outstanding including these interest and administration costs.
- Balance of equity still available
- Approximate period this equity is expected to last.

Your financial representative will be expected to check this statement and sign and return one copy to acknowledge that the statement is, to the best of their knowledge, correct. If such acknowledgement (or any correction to the statement) is not received within 21 days of the date of the statement, the representative will be deemed to have accepted it as correct.

## Making an Application for a Deferred Payment Agreement (DPA)

Once your financial representative has obtained the power to act on your behalf, usually by being appointed a deputy, they will need to notify us immediately and provide evidence accordingly.

If your financial representative is now able to access sufficient funds on your behalf to settle the outstanding debt then they should arrange to do so without delay.

Where your funds are within your property capital and your financial representative is not able to settle the outstanding debt, your financial representative may consider making an application to the Council for a Deferred Payment Agreement. This should be done as soon as possible. The balance of your accrued charges will usually be transferred into your Deferred Payment Agreement. See [DEFERRED PAYMENT AGREEMENTS POLICY](#)

## Default Provisions

If we discover that the Court of Protection has approved the appointment of a deputy and the deputy has not contacted us to let us know, we may decide to terminate the interim funding immediately and seek recovery of the debt (including interest and any administrative costs).

If your financial representative does not settle the amounts it is agreed they can access, for example state benefits in the role of appointee, without good reason, we may consider ending the interim funding.

In the event the equity available is no longer sufficient to fund your care, we will stop accruing your ongoing care home costs and reassess your financial contribution due. We will attempt to negotiate with your care home a rate that we would usually expect to pay to meet your needs. See [Choice of Accommodation and Additional Payments Policy](#) for further information. Interest and any administration charges will continue to be applied to your accrued debt. When your financial representative has been granted legal authority to act for you, if they are not able to settle the accrued debt in full, they will need to agree to a legal charge against your property (on your behalf) under a Deferred Payment Agreement.

## Appealing our decision about an Interim Funding Arrangement Application

If you disagree with our decision about your Interim Funding application you have the right to request a review of the decision. The review will be carried out by a different Senior Manager in the same way as a financial assessment review.

If you wish to appeal you should contact the FAB Team with details of your appeal, or fill in an Appeal Form and submit any additional evidence with your appeal and send this to the FAB Team. The Appeal will be carried out through the same process as the financial assessment appeals. A Deferred Payment/Interim Funding appeal form is within this appendix of this Framework.

[Appeals, Exceptional Circumstances and Waivers](#)

[DEFERRED PAYMENT AGREEMENT / INTERIM FUNDING - APPEAL REQUEST FORM](#)

# 11. Choice of Accommodation and Additional Payments Policy

## Introduction

Giving people choice about their care and support is an important part of the way that the Council's Adult Social Care services work in Reading. We know that people themselves, with the support of their families, carers and the staff who work with them, are the best people to make decisions about meeting their care and support needs - and that they will lead healthier and more fulfilling lives as a result.

This Policy has been drawn up in accordance with the 'Care and Support and Aftercare (Choice of Accommodation) Regulations 2014' and statutory guidance, which sets out the requirement for councils to enable people to choose a particular provider or location of the type of accommodation which is identified as most appropriate for meeting their care and support needs.

This Policy explains:

- How the Council gives people a choice about the accommodation that they use to meet their care and support needs.
- The circumstances where people can choose more expensive accommodation, if they can show that they or someone they know is willing and can afford to pay a 'top-up' payment to meet the additional cost of the preferred accommodation.

## Who this Policy applies to

This Policy is for adults where the Council is responsible for meeting their care and support needs, and a care and support assessment has shown that they

require a particular type of accommodation that offers extra care and support to meet their needs.

This Policy applies equally to:

- People who are entering into accommodation that provides some extra care and support for the first time
- People who have accommodation to meet their care and support needs arranged through the Council, where their needs require a change to this accommodation
- People who are living in accommodation for respite or intermediate care arrangements on a temporary basis, such as while they wait for available accommodation (either a preferred choice, or something suitable to meet their needs)

People who pay the full cost of their care and support are addressed in the section 'self-funders'.

The term 'Accommodation' is used in this Policy to cover some specific living arrangements:

- Living in a care home for residential accommodation together with personal care or nursing care - called Care Home Accommodation. This includes people who are eligible for some NHS Funding towards their nursing home accommodation.
- Living in a Supported Living, Extra Care Housing, or Shared Lives setting - called Supported Accommodation.
- Young adults who have accommodation at a school or other educational setting as part of a package of support.

People who aren't covered by this Policy are:

- People who get care and support in their own home (called 'homecare') and/or choose non-residential care and support services such as day services.
- People who have their accommodation including care and support paid for in full by NHS Continuing Health Care Funding.

The Council will always aim to support people to recover as much as possible after their needs worsen, for example a stay in hospital. As a general rule, people



will not be discharged directly from hospital to a permanent placement in accommodation such as a care home. Instead, the Council will support people to reach their full potential, with a recovery and rehabilitation phase.

Sometimes the impact and severity of an illness and personal circumstances may mean that there is no alternative but to move someone directly from hospital to particular accommodation that will mean their care and support needs can be met. In this instance, the Council is committed to making sure that these people are not placed at a disadvantage when exercising choice, compared to those people who move into such a placement from their own home.

## Having a choice

We are committed to making every reasonable effort to take account of your wishes and preferences - balancing this with our obligation to make sure that you have a safe and effective service and that we use public money wisely. You have the right to make an informed choice about the provider of the type of accommodation that is most appropriate for your needs, and we recognise this right as part of our person-centred approach, giving people choice and control in their lives.

The type of accommodation (care home, Shared Lives Scheme, Supported Living, or Extra Care Housing) that is the most suitable option for you is identified through your involvement in the care and support planning process. This policy applies to your choice after this decision of the most appropriate type of accommodation, to choose your accommodation provider.

If you wish to remain in your own home we will support you with this wherever possible and appropriate.

## Support to make an informed choice

If your assessment suggests that moving to a type of supported accommodation or a care home is the most appropriate action to meet your care and support needs, we will ensure that comprehensive, clear information and advice is provided about local providers of that accommodation to assist you, a member of your family, your advocate and/or carer to choose a suitable accommodation setting. If your chosen place of accommodation is unavailable, transitional arrangements

will be made to meet your assessed needs. You will be involved in the decision-making process as far as possible.

If a person lacks the mental capacity to make a choice, we will make arrangements to support this, including ensuring access to an Independent Mental Capacity Advocate, or other independent advocate. We will involve, where appropriate, family members, carers, attorneys and deputies appointed to take decisions on a person's behalf and advocates in this process, and to support it to identify accommodation that meets the best interests of the person.

You have the right to refuse to move to accommodation such as a care home or supported accommodation. This includes a permanent accommodation arrangement or an interim accommodation arrangement until the most suitable or preferred accommodation becomes available. If this take place, we will work with you, your advocate, family or carer, and partners in health services to explore alternative options including a package of health and social care support in your home. However, if you continue to unreasonably refuse accommodation, we may consider that we have fulfilled our duty to meet needs, and inform you that you would need to make your own arrangements for your ongoing care and support. This decision would be a last resort and would only take place after all the risks had been considered and a safeguarding assessment had been completed. If you contacted the Council at a future date, you would be re-assessed and the work to plan your care and support would re-start.

## Preferred accommodation

Your right to choose your preferred accommodation is subject to it meeting the following criteria:

- **Type** - the accommodation is of the same type as specified in your care and support plan to meet your assessed needs;
- **Suitability** - the accommodation appears to us to be suitable to meet your assessed care and support needs, including meeting our expected quality standards;
- **Availability** - your preferred accommodation is available, or if not, we decide to make an interim arrangement until a place is available
- **Conditions** - the provider of the accommodation will agree to a contract on our usual terms and conditions. If the provider doesn't have an existing contract with us, we will negotiate to put an arrangement in place with broadly the same contractual conditions as with any other provider.

- **Cost** - if the accommodation costs more than your Personal Budget (the amount that we would expect to pay to meet your assessed needs), there must be an arrangement in place to meet the additional cost (see 'The Cost of Preferred Accommodation' below)

## Refusing to arrange a preferred accommodation choice

We will do everything we can to meet your preferred accommodation choice. However, there may be instances where a choice cannot be met or we decide that your preferred accommodation does not meet one of the criteria above. If we decide not to arrange a place for you in your preferred accommodation, we will provide a clear and reasoned written explanation for our decision. This will explain how our decision relates to this Policy and to the statutory guidance set out by the Care Act that councils must follow. If you don't agree with our decision, you can appeal through our Complaints Procedure.

There may be exceptional cases where a person's preferred accommodation may not meet the Council's criteria, but may still be the best option - accommodation outside Reading that means someone is closer to family elsewhere in the country, which will promote the support network for the person needing the accommodation, for example. Where Council officers consider the matter to be exceptional, the case should be referred as follows:

- Stage 1: for a review and decision via the Council's Decision About Need /Decision About Resource procedures;
- Stage 2: to the Head of Adult Social Care in consultation with the Head of Finance
- Stage 3: to a panel comprising senior personnel from the Directorate of Education, Adult and Children's Services and the Lead Councillor for Adult Social Care.

Decisions taken through this process must be properly recorded and communicated to the service user.

## Providing interim accommodation or support

The Council will provide interim accommodation or support based on your assessed needs if there is no availability in the most suitable or preferred accommodation. This could include a package of care at home, or a temporary placement in another accommodation setting. If we make an interim placement and there are no options available at the time at the amount that we would usually expect to pay, you will not be asked to pay the extra money for this more expensive placement.

The interim placement will be reviewed and, if the duration of the interim arrangements exceeds a reasonable time period e.g. 12 weeks, you will be reassessed to ensure that the interim placement and preferred permanent accommodation are still able to meet your assessed care and support needs. As part of the re-assessment, you will be asked if your preference has changed to another accommodation option, or whether you wish to continue waiting for your original preferred accommodation, or indeed remain at the interim placement. If you decide that your preference has changed to staying permanently at your interim arrangement, it must meet the same criteria above (e.g. if the accommodation costs more than your Personal Budget, there must be an arrangement in place to meet the additional cost).

## Accommodation located outside of Reading Borough Council's area

We understand that being close to family support is a key factor in people's selection of preferred accommodation. The location of preferred accommodation is not limited to the boundaries of Reading Borough Council; accommodation anywhere within the United Kingdom (England, Wales, Scotland or Northern Ireland) are permitted, provided it still meets the other criteria - such as for suitability, availability and cost. Chapter 21 of the Care Act Statutory Guidance provides more information about cross-border placements<sup>38</sup>.

Although we aim to ensure that people have a choice of accommodation to meet their assessed care and support needs in the local area, we will sometimes place

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<sup>38</sup> Care and Support Statutory Guidance Chapter 21 - Cross-border placements:

[www.gov.uk/guidance/care-and-support-statutory-guidance](http://www.gov.uk/guidance/care-and-support-statutory-guidance)

people in other areas if there is not enough suitable accommodation within the Reading locality to meet a person's assessed needs (if they need very specialist support, for example) or if their needs would be best met in a different area.

We may refer to our own usual costs when making placements in another council area. However, because costs vary from area to area, we will negotiate with the provider to determine a reasonable cost to meet the assessed needs as outlined in the person's care plan. If accommodation in another council area is more expensive than someone's Personal Budget for their assessed needs, and that is identified as the most suitable accommodation to meet a person's needs, we will meet this additional cost.

We will ensure that satisfactory arrangements are made before a person moves to accommodation in another council area, including planning for regular reviews. We will be responsible for any changes to the person's accommodation such as moving to a different provider, unless there is an emergency situation, where we should be involved as soon as possible.

## Residence when moving to accommodation outside Reading

If you move to accommodation outside of Reading while we are responsible for funding your care (either through choice, or because of the availability of suitable accommodation) to meet your care and support needs, you still remain a Reading resident. We will keep the same responsibility for you that we have for someone living in the Reading area. Only if you later choose to move by private arrangement may you become 'ordinarily resident' in your new area. If this happens, your new council becomes responsible for any future care and support assessment and/or funding.

If you fund your own care and support and choose to move to a different area for accommodation to meet your needs (for example, to be closer to your family) you will usually become 'ordinarily resident' in the new area. If you become eligible for support from adult social care services in the future, the council in your new area would be expected to fulfil this responsibility.

## The Cost of Accommodation

We use your assessment and support planning to identify your Personal Budget - the amount of money that we would expect to pay to for care and support to meet your assessed needs.

- For care home accommodation, we identify the expected cost of your accommodation based on the amount that we would normally pay to meet your assessed needs in a residential or nursing home, reflecting the local market conditions.
- For supported accommodation, the housing costs are normally separate to your care and support package. You would own or rent your accommodation and pay for this independently (claiming Housing Benefit and using this to pay the landlord of a shared house if you had a tenancy agreement, for example). We will work with you to make sure you have suitable accommodation for your care and support needs to be met.
- For Extra Care Housing, we identify the expected cost of your accommodation as part of your care and support package. This is based on the amount that we would normally pay to meet your assessed needs, reflecting the local market conditions.

When establishing how much we would expect to pay for your care and support, we will take account of your individual circumstances such as medical, cultural or dietary needs, to ensure that your needs can be properly met. For some people, such as those with complex learning disabilities, their Personal Budget may need to be much higher to take account of their need for more expensive and very specialist support.

## Choosing more expensive accommodation

### ❖ care homes

If your preferred care home is more expensive than your Personal Budget for your assessed needs, you will be advised of the higher cost of your choice. You will be given the opportunity to make an alternative choice that fits within your Personal Budget, or to put an arrangement in place to meet the additional cost.

### ❖ supported accommodation

Because you pay housing costs for supported accommodation (Supported Living, Extra Care Housing, a Shared Lives setting) independently, you may choose more expensive accommodation than we would consider sufficient to meet your assessed needs. We will support your wishes - yourself or via a third party - to pay the additional cost for this more expensive accommodation.

If your choice of more expensive supported accommodation means that we will need to pay more to meet your assessed needs than your Personal Budget (for example, if a Supported Living arrangement includes more expensive “background care” as part of the placement), you will be advised of the higher cost of your choice. You will be given the opportunity to make an alternative choice that fits within your Personal Budget, or to put an arrangement in place to meet the additional cost.

### Paying for more expensive accommodation

If your preferred accommodation meets all other requirements, we will support you to move to that accommodation that costs more than your Personal Budget says we would expect to pay for your assessed needs, provided that:

- you can arrange for a third party to pay the additional amount - known as the Third-Party Top-Up (TPTU), or;
- you can pay the additional amount from your own resources - a ‘First-Party Top-Up’.

The rules about the situations where you can pay the additional amount yourself are shown below.

### Third-Party Top-Ups (TPTU)

For a Third-Party Top-Up to be put in place, a third-party - such as a family member(s), friend, employer, organisation or charity - must be **willing and able** to pay the difference between the Personal Budget and the actual cost of the accommodation (or the associated accommodation costs for supported accommodation).

To avoid the risk of you needing to move to different accommodation, we will usually discourage a Third-Party Top-Up unless the nominated Third Party can demonstrate that they are willing and able to pay the additional costs for at least a period of two years (or up to the duration of the service user’s likely time living in the accommodation if it is a short-term arrangement).

**Where the Third Party is an organisation**, we will require a letter from a legal representative of the organisation confirming that the organisation has the means

and capacity to sustain payments for the period required to accompany a signed Third-Party Top-Up Agreement.

**Where the Third Party is one or more individuals**, we will undertake a financial assessment of the individual(s) requiring documentary evidence of financial resources identified to meet the top-up payments, such as bank statement and details of financial commitments. This is to ensure that they have the means and capacity to sustain the payments for the period required. Completion of this assessment along with a signed Third-Party Top-Up Agreement and completed Direct Debit mandate is usually needed before we will agree to someone moving to the more expensive preferred accommodation.

We will review all Third Party Top-Up Agreements at least annually, and sooner where there is a change to someone's situation.

### **First-Party Top-Ups (sometimes known as Resident Top-Ups)**

In specific circumstances it is possible for you to pay a 'top up' for your preferred accommodation from your own resources. These circumstances are shown below:

1. A person entering care home accommodation whose property capital is disregarded for up to the first 12 weeks of the placement **and** who has either sufficient savings to pay the top-up during those 12 weeks, or disregarded income sufficient to pay the top up during those 12 weeks.
2. A person entering care home accommodation whose property capital is disregarded for up to the first 12 weeks of the placement **and** who immediately enters into a Deferred Payment Agreement.

You would still be responsible for paying an assessed contribution from your capital and income during those 12 weeks. The First Party Top-Up payment will be in addition to your assessed charge shown by your financial assessment. You would need to sign a Top-Up Agreement.

With our permission, payment of a First Party Top-Up can be deferred providing that a Deferred Payment Agreement is agreed between you and the Council before your funding starts - that is, you intend to apply for a Deferred Payment Agreement (to start after the 12-week property disregard period), and you



consent to a first legal charge on your property under a Deferred Payment Agreement from the start of your property-disregard period.

We may consider the use of a First Party Top-Up in circumstances other than those set out above; for example, in the exceptional case that a Deferred Payment Agreement is accepted for a person in rented supported accommodation such as Extra Care Housing. People who would like to apply for a First Party Top-Up in a situation other than those set out above should contact our FAB Team to explain the exceptional circumstances in their situation for consideration. We may need to seek specialist legal advice on a case by case basis and the costs of this legal advice will be recharged to the individual.

### **Paying for accommodation**

We will pay the total cost of the accommodation (or associated accommodation costs for supported accommodation) to the care provider, and then recover any top-up directly from the person/organisation who has agreed to pay this. To mitigate against adverse safeguarding issues (such as the accrual of arrears with a provider) we will usually only enter into Top-Up arrangements where the top-up is paid to us, and not to the provider directly.

From time to time we will review our rates for accommodation. As a result the amount that we would expect to pay to meet someone's assessed needs may remain the same, increase or decrease. This may impact on the amount that an individual or organisation is asked to pay as the top-up. Similarly, if the accommodation increases in price (for example, an annual uplift to reflect inflation, or a restructuring of fees because of a new provider), we will have no liability for the increased charges and will expect the individual or organisation paying the top-up to pay the additional costs above the amount the Council would expect to pay to meet that person's needs.

When a person/organisation takes on a Top-Up, they assume the contractual responsibility for the duration of the person's residence in the accommodation to pay the difference in fees between the amount we would usually expect to pay to meet your assessed needs and the actual cost of your accommodation. We will advise the person/organisation in writing that fees are not fixed or guaranteed to remain at the same level, and that the contribution of the resident or third party may rise faster than the Council's. We will also advise that we have no liability for debts accrued by a person/organisation due to non-payment or a shortfall in payment. We will notify people/organisations of the likely consequences if they

fail to maintain payments. These may include legal action to recover the accrued arrears and/or you having to move to other accommodation (unless after an assessment of need, it is shown that your assessed needs can only be met in the current accommodation). The Council has the right, subject to notice, to terminate the contract should the top-up payments cease to be adequate.

## People who pay the full cost of their care and support

In some circumstances, a person who has been financially assessed as able to afford the full cost of their care and support (for example - due to having capital above the Upper Capital Limit, or due to declining a full financial assessment), can ask us to make the arrangements for their care and support on their behalf (other than for care in a care home). These situations, and the associated Arrangement Fees, are explained in more detail in 'Section 6: Administration Fees and Interest Charges for care and support' within this Charging and Financial Assessment Framework.

If we arrange care and support on behalf of a self-funder in supported accommodation, they will have the same right to a choice about the provider of their accommodation, and the Council will support this as set out above. The Council will enter into a contract with the provider(s) on the person's behalf and manage the payment and invoicing arrangement for the person paying the full cost of their care and support.

If someone paying the full cost of their care and support has made their own private arrangement for services, the provider may take any action needed to obtain outstanding payments including legal action against the person or third-party who signed the contract and agreed to make payments but has failed to do so. The provider can also cancel the contract and give notice requiring the person to leave their accommodation.

If you pay the full cost of your care and support we will encourage you to consider what will happen if, over time, your savings/investments reduce and you become eligible for financial support with your care and support costs from the Council. If you have existing accommodation that is more expensive than we would usually expect to pay, this may result in the resident having to move to other accommodation, unless arrangements can be secured by way of another alternative such as a Third-Party Top-Up. In this instance, we will support you to

find an alternative placement of your choice, provided this meets the Council's criteria around suitability, availability, conditions, cost and quality. If a reassessment shows that your needs can only be met in the current accommodation, we will endeavour, by way of negotiation, to make up the reasonable cost difference between your assessed contribution and the accommodation's fees.

## Existing residents

If you currently live in accommodation that is more expensive than we would usually expect to pay to meet your assessed needs, a review of your situation may result in you having to move to other accommodation, unless arrangements such as a Third-Party Top-Up can be put in place to meet the additional cost. If a reassessment shows that your needs can only be met in the current accommodation, we will endeavour, by way of negotiation, to make up the reasonable cost difference between your assessed contribution and the accommodation's fees.

## 12. Equality Impact Assessment

The Adult Care Service has considered the impact that adopting this Charging and Financial Assessment Framework and the individual policies within it would have on the diverse communities of Reading Borough, and in particular residents in possession of 'protected characteristics' as set out in the Equality Act 2010. The Council's charging framework was developed and implemented as part of the Care Act implementation in Reading and was subject to a 90-day community consultation. Further proposed changes to non-residential financial assessments, charging for short-term stays in care home accommodation, charging for meals and refreshments and assistive technology were subject to a 90-day community consultation between December 2016 and March 2017. **An Equality Impact Assessment has been carried out, informed by the outcome of the public consultation and other community involvement. No negative adverse impact has been identified on any group in possession of protected characteristics as defined by the Equality Act.**

## 13. Reviewing this Charging and Financial Assessment Framework Document

The appendices to this policy document will be reviewed annually prior to the start of each new financial year. Annual review will ensure all rates and amounts are consistent with inflation or other relevant changes, which may occur. We will consult the community on such changes through its annual budget consultation.

This document may be subject to modification on its own (through the Departmental Management Team), or as part of an overall review of the entire *Charging and Financial Assessment Framework Policy* by the Council.

The Care Act 2014 set out changes to care funding which the government intend to implement from 2020. A review of this Charging and Financial Assessment

Framework will take place following information published by Department of Health about the implementation of care funding changes.

## Appendices

## Appendix A - Fees and Charges 2017-2018

### ❖ Deferred Payment Agreements (DPAs) and Interim Funding Arrangements - Schedule of Fees and Charges 2017-2018

#### Set-Up Fees for Deferred Payment Applications:

- Legal Costs:**
- DPAs to be secured by first legal charge against freehold property in sole ownership of applicant, with no loans secured and no legal complications. £400\*
  - Variable legal costs to cover the cost of any additional work to secure a charge against a property or obtain a solicitor's undertaking. If this applies, we will provide an estimate of costs beforehand. £110\* per hour

**Other Administration Costs:** £135\*

**Land Registry - Registration Services fees<sup>39</sup> -**  
 please refer to Land Registry Scale 2 fees which can be found on Land Registry website at :

[www.gov.uk/guidance/land-registry-registration-services-fees](http://www.gov.uk/guidance/land-registry-registration-services-fees)

#### Cost of formal property valuation:

(Where commissioned by the Council) - a quote of the cost would be provided beforehand. At cost\*

<sup>39</sup> Land Registry fees information correct as at 1.4.2017. VAT does not currently apply to Land Registry statutory fees. Land Registry fees are set and reviewed by Land Registry, and as such are subject to change. Check [www.gov.uk](http://www.gov.uk) for latest information.

**Costs of specialist legal and/or financial advice:** Where a Deferred Payment Application requires the Council to seek specialist financial and/or legal advice, the additional costs of this specialist advice will be re-charged to the applicant in addition to the costs listed above. An estimate of these specialist costs would be given to the applicant beforehand.

**\*Value Added Tax (VAT):** the legal and administration costs quoted above are exclusive of VAT. VAT will be charged on those fees and charges where applicable. DPAs which meet the national mandatory DPA requirements to be secured by a first legal charge are not subject to VAT.

**Annual Administration Fees for Deferred Payment Agreements and Interim Funding Arrangements:**

<b>Administration Charge:</b>	<b>£225</b>
<b>Value Added Tax (VAT) on Administration Charge:</b>	VAT will be charged on administration charge quoted above where it is applicable. Deferred Payment Agreements (DPA) which meet the national mandatory DPA requirements to be secured by a first legal charge are not subject to VAT.

**Property Valuation Fee (where carried out under an ongoing Deferred Payment Agreement or Interim Funding Arrangement):**

We will provide a quote when a formal valuation is required under the DPA arrangement or Interim Funding Arrangement.

❖ **Interest Rate\* charged on Deferred Payments and Interim Funding:**

1 April 2017 - 30 June 2017: 1.35% (yearly rate) charged daily

1 July 2017 - 31 Dec 2017: tbc% (yearly rate) charged daily

\*Maximum rate as defined in the Care and Support Regulations.

Interest is charged daily on the deferred balance - including any deferred administration costs - and is compounded. Interest charges will be added to the deferred payment debt.

❖ **Arrangement Fees for arranging Care and Support on behalf of Full Cost payers:**

- Set-Up Fee for Care and Support Arrangements: £250.00
  
- Annual Fee for Care and Support Arrangements: £200.00



## Appendix B - Capital Limits Schedule 2017-18

Level of capital or savings	How considered in financial assessment
£0 - £14,250	Disregarded
£14,251 - £23,250	Tariff Income is calculated at the rate of £1 for every complete £250, or part £250.
£23,250 +	Full cost of care and support applies at or above this level of capital or savings*

## Appendix C - Financial Assessment Allowances Schedule 2017-18

**Minimum Assessed Contribution** £1.25 per week (This means that if your assessed contribution is less than this, you will receive free service)

### Local 'Minimum Income Guarantee' for Basic Living Costs (Non-residential care and support)

	Level of "Minimum Income Guarantee" for a Service User who is single (or living alone)	Level of "Minimum Income Guarantee" for a Service User living with a partner
Age 18 or over, up to qualifying age for Pension Credit	£131.75 per week	£100.55 per week
Age 18 or over, up to qualifying age for Pension Credit <b>and</b> qualifying for the Enhanced Disability Premium	£151.45 per week	£114.70 per week
Reached or over qualifying age for Pension Credit	£189.00 per week	£144.30 per week
Eligible for a Carer Premium	An additional £43.25 per week	
Responsible for a child, and a member of the same household as that child	An additional £83.65 per week per child	

Disability-Related Expense Standard Allowance (Non-residential care and support) : £5.00 per week

Statutory Personal Expenses Allowance (in a Care Home) : £24.90 per week

Maximum Savings Disregard<sup>40</sup> (in a care home: if age 65+ and qualifies for savings disregard) : £5.75 per week

Disposable Income Allowance (Deferred Payments Scheme) : up to £144.00 per week

<sup>40</sup> Savings Disregard is calculated on an individual basis in accordance with the Care and Support (Assessment of Resources) Regulations. The maximum amount is listed here for information purposes.

## Appendix D: Disability Related Expenditure -guide amounts 2017-18

DISABILITY-RELATED EXPENSE ITEM	AMOUNT CONSIDERED IN ASSESSMENT	EVIDENCE REQUIRED
Community Alarm System	Actual cost paid unless included in Housing Benefit award	Bills from provider or regular entries on bank statements
Privately-arranged registered <sup>41</sup> care services (including respite care) - where this is part of the agreed care and support plan and council-arranged support is reduced accordingly	Actual cost paid up to a maximum of £1383 per year (average £26.52 per week)	Bills/receipts from provider
Private domestic help - where Adult Care Assessment confirms this is necessary due to disability and is not provided through council-arranged support.  This may include cleaning, shopping, domestic tasks, basic garden maintenance (e.g. grass cutting)	Actual cost paid up to £20.00 per week if single person household, or cost proportionately divided by the number of other adult household members.	Bills/receipts from provider for at least 4 weeks
Additional Laundry	An amount of £3.65 per week.	Adult Care

<sup>41</sup> Registered with the Care Quality Commission (CQC)

DISABILITY-RELATED EXPENSE ITEM	AMOUNT CONSIDERED IN ASSESSMENT	EVIDENCE REQUIRED
and replacement bedding costs (where identified more than 4 loads washing per week required for the individual due to incontinence or other disability-related/medical reason)		assessment confirms incontinence or other condition requiring need for additional laundry and more frequent replacement of bedding.
Additional cost of specialist dietary items required (as confirmed by Adult Care or NHS doctor/specialist) due to a medical condition or disability	Actual cost paid for specific dietary items purchased due to illness or disability	Details and receipts of specialist dietary purchases
Essential equipment purchased due to disability/condition to support independent living at home (if not supplied free of charge, through Adult Care or Health, and not supplied through a Disabled Facilities Grant)	<p>(1) Equipment item purchases costing approximately £1,000 or more:- Actual cost paid, divided by 500.<sup>42</sup></p> <p>(2) Equipment purchases costing less than £1000 but more than £100:- Actual cost paid, divided by 250.<sup>43</sup></p> <p>(3) Equipment purchases costing less than £100:- ▪</p>	<p>Evidence of purchase (bill, receipt)</p> <p>In cases of doubt, social care worker or Occupational Therapist to confirm purchase is an essential requirement</p>

<sup>42</sup> Divided by 500 to reflect a 10year equipment life.

<sup>43</sup> Divided by 250 to reflect a 5year equipment life.

DISABILITY-RELATED EXPENSE ITEM	AMOUNT CONSIDERED IN ASSESSMENT	EVIDENCE REQUIRED
	<ul style="list-style-type: none"> <li>▪ Actual cost paid</li> </ul> <p><u>Examples of equipment:</u> stair lift, powered bed, turning bed, wheelchair, riser chair, mobility equipment*.</p> <p>*For mobility equipment (such as a mobility scooter, adapted car/van) the cost allowed will be net of any DLA Mobility received or PIP Mobility received.</p>	
Essential equipment maintenance/repair (if not maintained by Adult Care or Health)	<p>Actual cost of maintenance.</p> <p>Examples: Equipment maintenance costs would be relevant to the items listed above - such as stair lift maintenance.</p>	Bills/receipts from provider, or entries on bank statements, or maintenance contract showing cost.
Specialist clothing and footwear and replacements due to wear and tear	<p>Allow expenditure on footwear over £38 per pair of specialist shoes (averaged over 1 year). For specialist clothing and frequent replacements, allow up to £6.91 per week, with good reason.</p>	Receipts or cheque stubs
Additional heating Allowance	<p>Actual gas and electricity paid, averaged over one year, minus the annual average amounts<sup>44</sup></p> <p><u>Annual Average fuel amounts:</u></p> <p>Flat/Terraced-single occupancy: £1,129 pa</p>	Bills from Provider

<sup>44</sup> Average annual amounts based on good practice guide issue by the National Association of Financial Assessment Officers.

DISABILITY-RELATED EXPENSE ITEM	AMOUNT CONSIDERED IN ASSESSMENT	EVIDENCE REQUIRED
	<p>Flat/Terraced - couple/shared occupancy: £1,489 pa</p> <p>Semi-detached single occupancy: £1,199 pa</p> <p>Semi-detached - couple/shared occupancy: £1,580 pa</p> <p>Detached - single occupancy: £1,459 pa</p> <p>Detached - couple/shared occupancy: £1,923 pa</p>	
Chiropody	Actual cost up to a maximum £133.78 averaged over one year (equivalent to max £2.57/wk), if NHS chiropodist not available (based on 6 weekly visits).	Receipts or cheque stubs
Travel and transport costs where Adult Care have confirmed need for specialist transport requirements.	<p>Actual Costs, net of any DLA Mobility received or PIP Mobility received, if they are incurred solely or mainly due to disability and the needs are identified in the Assessment.</p> <p>Allow actual commercial costs (if reasonable) up to £23.43 per week or more if evidence is provided.</p> <p>Allow payments to relatives if up to £11.71 per week.</p>	Bills/Receipts where applicable
Prescriptions, Medical and chemist items	Allow actual cost if not supplied free through the NHS or the cost of annual season ticket (divided by 52 weeks), whichever is less. Allowed when recommended by a GP or specialist.	Receipts / evidence of season ticket
Hair Washing	Actual cost paid for hair-washing &	Bills/Receipts

DISABILITY-RELATED EXPENSE ITEM	AMOUNT CONSIDERED IN ASSESSMENT	EVIDENCE REQUIRED
	drying service where service user is unable to wash own hair, and hair wash is not part of the care package. Actual average weekly costs up to £6.72 per week.	
Water Meter Charges	Metered amounts in excess of £377 pa (average annual household bill).	Bills from Provider
Other disability related expenses	Other specific disability-related expenses may be allowed with good reason and proof of costs. Responsibility for decisions about other DRE items is outlined below.	Proof of costs required

Note that continence products are not generally considered here as products are available through the NHS Continence Service free of charge.

Guide amounts for DRE will be allowed when costs are incurred to the service user. Where the service user can demonstrate that their costs exceed the guide amounts for an item or service, due to exceptional circumstances and with good reason, the Entitlement and Assessment Team Leader and relevant Service Manager will decide if the additional expense will be allowed

## Appendix E: Third Party Top Up Agreement

### PROVISION OF RESIDENTIAL/NURSING CARE

### Third-Party Top-Up Payment Agreement

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#### CONTRACT DETAILS

Name of Resident

Name of Third Party

Relationship to Resident

Address of Third Party

Telephone of Third Party

Name of Home

Address of Home

Telephone of Home

Date of Placement

Third Party's Contribution                      £                      /week  
(Third-Party Top-Up)



**PROVISION OF RESIDENTIAL/NURSING CARE**  
**Third-Party Top-Up Payment Agreement**

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**DECLARATION OF AGREEMENT**

I am willing to pay the third-party top-up towards the cost of the placement of [name of Service User] at the [name of Home] and will continue to make this payment for the duration of the placement. I understand that:

- The third-party top-up cannot be paid from \_\_\_\_\_ 's own resources.
- I will be invoiced by Reading Borough Council for the top-up and will pay by regular standing order. Failure to keep up payments may result in \_\_\_\_\_ having to move to another home.
- Reading Borough Council will review the cost of the placement and \_\_\_\_\_ 's contribution annually. The amount of the third-party top-up will increase subject to this review.
- Any variation to the third-party top-up will be subject to negotiation between Reading Borough Council and myself, and will not involve the Home.

I have read and understood the terms and conditions contained in this contract.

**Signature of Third Party:**

**Name of Third Party (print):**

**Date:**

## Appendix F - Sample Deferred Payment Agreement -

The Council's Deferred Payment Agreement is a legal document based on a national sample template which can be found on the Local Government Association's website: [www.local.gov.uk](http://www.local.gov.uk)

If you are considering entering into a Deferred Payment Agreement with the Council and wish to see an example of the Council's Deferred Payment Agreement, please contact the Financial Assessments and Benefits Team.

## Appendix G. Example Care Charges Calculations

### Example A - Person with a Personal Budget for ongoing weekly support and respite in a care home:

A 65 year old woman has a Personal Budget of £100 per week to meet her ongoing weekly care needs and £1400 per year towards two weeks respite care (from a carer's assessment carried out with her daughter). She uses her Personal Budget to pay for a carer each weekday morning and to stay in a care home for respite for two weeks while her daughter is away on holiday. Her non-residential financial assessment shows she is not required to pay anything towards her non-residential service.

**Annual Personal Budget:** £5000 (ongoing) £1400 (respite). Total: £6400

**Weekly Care Charges:** she is charged nothing for her ongoing care and support and nothing for her two weeks of respite in a care home because her non-residential financial assessment shows her assessed maximum weekly contribution is zero - so she receives free non-residential service, and this is also applied to the respite care.

If during the year, she required further short stays in a care home that brought the total number of nights stayed in a care home to more than four weeks during that year, a financial assessment would be carried out using care home (temporary stay) charging rules to calculate her contribution towards the accommodation for those extra nights.

### Example B - Person with a Personal Budget for ongoing weekly support and respite in a care home

A 29 year old man living with his mother has a Personal Budget of £70 per week to meet his ongoing support needs and £1400 per year towards two weeks respite care (from a carer's assessment carried out with his mother). He uses his Personal Budget to pay for a support worker and to stay in a care home for one night at various intervals over the year for respite. His non-residential financial assessment shows his assessed maximum weekly contribution is £33 per week.

**Annual Personal Budget:** £3500 (ongoing) £1400 (respite). Total: £4900

**Weekly Care Charges:** he is charged £33.00 each week for his ongoing care and support including his 14 nights in a care home for respite.

### Example C - Person with a Personal Budget for ongoing weekly support and respite in a care home:

An 80 year old man has a Personal Budget of £95 per week to meet his ongoing care needs and £1400 per year towards respite care (from a carer's assessment carried out with his wife). He uses his Personal Budget to pay for a carer and to stay in a care home for respite. His financial assessment shows his assessed maximum weekly contribution is £130 per week.

**Annual Personal Budget:** £4750 (ongoing) £1400 (respite). Total: £6150  
**Weekly Personal Budget** (£6150 divided by 52 weeks): £118.26

**Weekly Care Charges:** He is charged £118.26 each week towards his Personal Budget. This is the average weekly charge over the year for his Personal Budget.

At the end of the Personal Budget period (usually a year) - and before finalising the Personal Budget amount for the following year - the charges he paid over the year are compared to the actual cost of the care and support services. If he had overpaid, the difference would be refunded to him.

### Example D - Person with a Personal Budget for ongoing weekly support: Non-Residential Financial Assessment Calculation:

A woman aged 84 has a Personal Budget of £100 per week for care and support in her home.

She receives a State Pension of £123.00 per week; a private pension of £13.00 per week, Pension Credit of £81.87 per week (of which £74.80 is Guarantee Credit; £7.30 is Savings Credit), and Attendance Allowance of £55.65 per week.

She has savings of £15,140

She receives full Housing Benefit and full Council Tax Support

NON-RESIDENTIAL FINANCIAL ASSESSMENT CALCULATOR	
Income:	Weekly
State Pension	£123.00
Private Pension	£ 13.00

Pension Guarantee Credit	£74.80
Pension Savings Credit	<i>(100% disregarded)</i>
Attendance Allowance	£ 55.65
Tariff Income on savings <i>Calculation: £14,250 disregarded. Leaves £890 savings charged tariff income @ £1 per £250 or part £250</i>	£4.00
<b>TOTAL REGARDED WEEKLY INCOME</b>	<b>£270.45</b>
<b>Allowances &amp; Expenses:</b>	
Minimum Income Guarantee (this is an allowance for daily living costs for someone who has reached the qualifying age for Pension Credit - approximately over the age of 63)	£189.00
Standard Allowance for Disability-related expenses	£5.00
<b>LESS:</b> <b>TOTAL REGARDED WEEKLY EXPENSES</b>	<b>-£194.00</b>
Leaves	£76.45
<b>ASSESSED MAXIMUM WEEKLY CONTRIBUTION</b>	<b>£76.45</b>

She would be charged £76.45 per week towards her Personal Budget.

### Example E - Person receiving care and support in a care home: Care Home Financial Assessment Calculation.

A single man aged 79 has moved to a Care Home. The Council are paying the costs of £700 per week.

He receives a State Pension of £197.50 per week and a private pension of £85.30 per week.

He has savings of £17,320

CARE HOME FINANCIAL ASSESSMENT CALCULATION	
Income:	Weekly
State Pension	£197.50

Private Pension	£ 85.30
Tariff Income on savings <i>calculation : £14,250 disregarded.</i> <i>Leaves £3,070 savings charged tariff income @ £1 per £250 or part £250</i>	£ 13.00
<b>TOTAL REGARDED WEEKLY INCOME</b>	<b>£295.80</b>
<b>Allowances :</b>	
<b>Personal Expenses Allowance</b> (this is a standard allowance for people in care homes - to keep for personal expenses)	£24.90
<b>Savings Disregard</b> (an allowance for people aged 65+ who made provision for income in retirement of more than a basic amount)	£5.75
<b>TOTAL WEEKLY ALLOWANCES</b>	<b>-£ 30.65</b>
Leaves	£265.15
<b>ASSESSED WEEKLY ACCOMMODATION CHARGE</b>	<b>£265.15</b>

He would be charged £265.15 per week towards the cost of his care home accommodation

## Appendix H: Assessed Contribution Waivers Request

SERVICE USER PERSONAL DETAILS	
Name:	D.O.B:
Address:	
Postcode:	
Tel No:	
RELEVANT INFORMATION REGARDING THE CARE CHARGES AND CURRENT CIRCUMSTANCES.	
Current assessed contribution : £                      per week For: Care Home contribution* / Non-residential care and support* (*please indicate which) Date of last financial assessment:	
<p><b><u>REASON FOR REQUESTING CONTRIBUTION TO BE WAIVED.</u></b></p> <p><i>(Including details of current financial commitments)</i></p>	
Name of case worker:  Signed:  Name of Manager :  Signed by Manager:	Date:
Head of Service Decision	
Names (Head of Service):	DATE:
DECISION RECORD	
SIGNED:	DATE:
Comments:	

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## Appendix I: FINANCIAL ASSESSMENT APPEAL REQUEST FORM

Your personal details	
Name:	Date of Birth:
Address:	
Postcode:	
Phone number to contact you:	
Information about your contribution and financial circumstances	
Your current assessed contribution that you wish to appeal: £                      per week	
Date of your last financial assessment:	
Please explain the part of your assessed contribution that you are appealing against	
Please provide information here to support your appeal	
Please tick box if you have attached further information to support your appeal	
Name of your social care worker:	
Your signature	Date

Office use only

Record of decision by Finance Manager & Service Manager	
Names of Review Panel	Date
Finance Manager:	
Service Manager:	
Decision taken	
Signatures	Date
Comments:	





## Appendix J: Example of information needed for your financial assessment

### Details of all your income (money you receive) -

Including any money paid jointly to you or your partner on behalf of both of you.

Income from paid work	
We need to know: <input type="checkbox"/> How many hours you work each week <input type="checkbox"/> How much you get paid <input type="checkbox"/> How often you get paid	Find this on: <input type="checkbox"/> Bank statements <input type="checkbox"/> Payslips
Income from state benefits & pensions	
For ALL the benefits/pensions you receive we need to know: <input type="checkbox"/> The name of the benefit <input type="checkbox"/> The exact amount you get paid/how often you get it and who you get it for (for example, if you get this for you and your partner) <input type="checkbox"/> How it is paid to you (e.g. which bank account) <input type="checkbox"/> The National Insurance number reference(s) <input type="checkbox"/> Details of a joint benefit paid to your partner if they get an amount for you both. <input type="checkbox"/> Value of Pension Savings Credit if you get Pension Credit	Find this on: <input type="checkbox"/> Bank statements <input type="checkbox"/> Confirmation letters from the benefit/pension provider (e.g. DWP, Pension Service, Jobcentre Plus or Disability and Carers Service)
Income from boarders and lodgers	
We need to know: <input type="checkbox"/> How much rent you get and	Find this on: <input type="checkbox"/> Bank statements

<input type="checkbox"/> How often you get it	
<b>Income from private and occupational pensions</b> <i>(including widows/widowers pensions and entitlement to pension income/deferred pensions)</i>	
We need to know: <input type="checkbox"/> The name of the company or organisation paying your pension <input type="checkbox"/> How much you get paid and how often you get it <input type="checkbox"/> If you have chosen to defer a pension, or to draw a lower amount of income from a pension fund, details of the full entitlement.	Find this on: <input type="checkbox"/> Bank Statements <input type="checkbox"/> Payslips <input type="checkbox"/> Letters from the pension provider
<b>Other income</b>	
We need to know <input type="checkbox"/> Who you receive money from <input type="checkbox"/> How much they pay you <input type="checkbox"/> How often you get this payment	Find this on: <input type="checkbox"/> Bank statements

**Details of all your Savings and Investments (Capital Assets) - including those that are jointly owned**

<b>Savings and/or investment accounts</b> <i>(bank, building society, Post office and/or National Savings)</i>	
We need to know for EACH account: <input type="checkbox"/> The name of the organisation holding your account <input type="checkbox"/> Type of account <input type="checkbox"/> Account holder name(s) <input type="checkbox"/> The amount held in each account and the date	Find this on: <input type="checkbox"/> Statements (bank, building society, on-line etc.) <input type="checkbox"/> Savings or pass books

<input type="checkbox"/> The value of any investment	
<b>National Savings Certificates</b>	
We need to know: <input type="checkbox"/> The issue number(s)	Find this on: <input type="checkbox"/> Certificates
<b>Income Bonds</b>	
We need to know: <input type="checkbox"/> The names of the organisation(s) holding your bonds <input type="checkbox"/> The value of the bond(s)	Find this on: <input type="checkbox"/> Statements
<b>Shares, Stocks and Unit Trusts</b>	
We need to know: <input type="checkbox"/> Name of company(ies) or investment trust(s) <input type="checkbox"/> Number and type of shares or units held <input type="checkbox"/> The current value (where known)	Find this on: <input type="checkbox"/> Share certificates <input type="checkbox"/> Investment statements
<b>Premium Bonds</b>	
We need to know: <input type="checkbox"/> The value of the bond(s)	Find this on: <input type="checkbox"/> bonds
<b>Property owned other than your main home</b>	
For EACH property we need: <input type="checkbox"/> The address <input type="checkbox"/> An approximate market value <input type="checkbox"/> The value of outstanding mortgage	Find this on: <input type="checkbox"/> Mortgage statements
<b>Any other savings or investments held by you or held by someone else for you</b>	
We need: <input type="checkbox"/> A description	Find this on: <input type="checkbox"/> Certificates

<input type="checkbox"/> Current Value <input type="checkbox"/> any life insurance attached to the investment	<input type="checkbox"/> Statements <input type="checkbox"/> letters
<b>Any capital held that was received in consequence of a Personal Injury</b>	
We need: <input type="checkbox"/> date of the settlement <input type="checkbox"/> details of how the Personal Injury Payment is held (for example, held in Trust, held by Court)	Find this on: <input type="checkbox"/> Settlement documents <input type="checkbox"/> Deeds of Trust <input type="checkbox"/> Documents from the Court of Protection <input type="checkbox"/> solicitor letters and documents

**If you are moving permanently to a care home and you own your own home, we need to know:**

- The address including postcode
- Details of any other people who live there
  - Names
  - Dates of birth
  - Relationship to you
  - How long they have lived there
- How much(%) of your property you own - and if it is jointly owned, the details of the other owners
- if the property is leasehold
- if you have a mortgage-
  - the value of the outstanding mortgage
  - the remaining term of the mortgage
  - the monthly repayments on the mortgage
  - and if the mortgage is in joint names - details of the other people.
- an approximate market value of the property

Details of ownership are found on Property Deeds.  
 Details of mortgage are found on mortgage statements from your mortgage lender.

**Details of your Expenses**

<b>Mortgage and service charges</b>	
<p><input type="checkbox"/> Name of your mortgage lender</p> <p><input type="checkbox"/> How much you pay and how often (exact amount needed)</p> <p><input type="checkbox"/> How much (if any) is allocated towards your mortgage from benefits</p> <p><input type="checkbox"/> How much/how often you pay life insurance</p> <p><input type="checkbox"/> How much you pay for service charges and how often</p>	<p>Find this on:</p> <p><input type="checkbox"/> Bank statements</p> <p><input type="checkbox"/> Statements/letters from mortgage lender</p> <p><input type="checkbox"/> Letter(s) from insurance company</p>
<b>Rent and Service Charges</b>	
<p>We need to know</p> <p><input type="checkbox"/> How much you pay (exact amount) and how often</p> <p><input type="checkbox"/> How much Housing Benefit you get (if any)</p>	<p>Find this on:</p> <p><input type="checkbox"/> Bank statements</p> <p><input type="checkbox"/> Landlord letters/statements</p> <p><input type="checkbox"/> Housing Benefit letters</p> <p><input type="checkbox"/> Rent book</p>
<b>Council Tax</b>	
<p>We need to know:</p> <p><input type="checkbox"/> The exact amount you pay and how often</p> <p><input type="checkbox"/> How much Council Tax Support you receive (if any)</p>	<p>Find this on:</p> <p><input type="checkbox"/> Bank statements</p> <p><input type="checkbox"/> Council Tax letter</p> <p><input type="checkbox"/> Council Tax Support letter</p>
<b>Buildings Insurance</b>	
<p>We need to know:</p> <p><input type="checkbox"/> Name of insurance company</p> <p><input type="checkbox"/> How much you pay (exactly) and how often</p>	<p>Find this on</p> <p><input type="checkbox"/> Bank statements</p> <p><input type="checkbox"/> Letters from insurer</p>

For non-residential Care and Support Financial Assessment:

## Details of expenses for a Medical condition/disability

<b>Emergency Alarm Service</b>	
<b>We need to know:</b> <input type="checkbox"/> How much you pay <input type="checkbox"/> How often you pay <input type="checkbox"/> Who you pay	<b>Find this on:</b> <input type="checkbox"/> Bank statements <input type="checkbox"/> Receipts <input type="checkbox"/> Invoices/ bills
<b>Practical help (housework, gardening, taxi fares etc.)</b>	
<b>We need to know:</b> <input type="checkbox"/> What you pay for <input type="checkbox"/> How much you pay <input type="checkbox"/> How often you pay <input type="checkbox"/> Who you pay	<b>Find this on:</b> <input type="checkbox"/> Bank statements <input type="checkbox"/> Receipts <input type="checkbox"/> Invoices/ bills
<b>Money spent on equipment for your condition/disability in the last 12 months (including insurance for large items)</b>	
<b>For each item we need:</b> <input type="checkbox"/> How much you paid or <input type="checkbox"/> How much/often you make repayments <input type="checkbox"/> Who you pay	<b>Find this on:</b> <input type="checkbox"/> Bank statements <input type="checkbox"/> Receipts <input type="checkbox"/> Invoices/ bills
<b>Extra heating costs</b>	
<b>We need to know</b> <input type="checkbox"/> Costs for the whole year <input type="checkbox"/> Property type (e.g. flat)) <input type="checkbox"/> How many people live with you	<b>Find this on:</b> <input type="checkbox"/> Gas and electricity bills
<b>Other extra costs for disability/condition (extra washing, dietary needs, clothing etc.)</b>	
<b>We need to know:</b> <input type="checkbox"/> What you pay for <input type="checkbox"/> How much you pay <input type="checkbox"/> How often you pay <input type="checkbox"/> Who you pay	<b>Find this on:</b> <input type="checkbox"/> Bank statements <input type="checkbox"/> Receipts <input type="checkbox"/> Water meter bills



## Appendix K: DEFERRED PAYMENT AGREEMENT / INTERIM FUNDING - APPEAL REQUEST FORM

<b>Name of resident</b>	
Name:	Date of Birth:
Care Home: Address:	
<b>Your details (if acting for resident)</b>	<b>Relationship/Role:</b>
Your Name: Phone number to contact you:	
Deferred Payments <input type="checkbox"/> ( please tick) Interim Funding <input type="checkbox"/>	
Please give details of the part of the decision that you wish to appeal:	
Please tick box if you have attached further information to support your appeal <input type="checkbox"/>	
Your signature	Date

Office use only

<b>Record of decision by Finance Manager &amp; Service Manager</b>	
Names of Review Panel Finance Manager: Service Manager:	Date
<b>Decision taken</b>	
Signatures	Date
Comments:	





## Appendix L: Affordability Checker for Couples (Non-residential Financial Assessments)

Please refer to [Affordability-check for couples - adjusting the local Minimum Income Guarantee level](#) within Section 8. Care and Support Financial Assessment Policy Part 3: Non-residential care and support.

<b>AFFORDABILITY CHECKER</b>	
Service User's Minimum Income Guarantee <sup>45</sup>	Level: £
Partner's Income: £	
Less Partner's 50% housing cost share: -£	_____
	Partner's net income: £
Service User's Minimum Income Guarantee Level plus Partner's net income:	<b>£A</b>
Couple Personal Allowance (for DWP benefits):	<b>£B</b>
<p>If the value of £A is greater than or equal to the value of £B, there is no adjustment needed to the service user's Minimum Income Guarantee level within the assessment.</p> <p>If the value of £A is less than the value of £B, an adjustment will be made to the service user's Minimum Income Guarantee Level to increase it by the value of (£B - £A)</p>	

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<sup>45</sup> Minimum Income Guarantee is the amount of allowance that must be considered in the financial assessment for everyday living costs.

**Example 1:**

AFFORDABILITY CHECKER - EXAMPLE 1	
Service User's Minimum Income Guarantee Level:	£144.30
Partner's Income:	£111.50
Less Partner's 50% housing cost share:	<u>-£2.00</u>
Partner's net income:	<u>£109.50</u>
Service User's Minimum Income Guarantee Level plus Partner's net income:	£253.80 (A)
Couple Personal Allowance (for DWP benefits):	£243.25 (B)
<p>£A is more than £B, so there is no adjustment needed to the service user's Minimum Income Guarantee level.</p>	

**Example 2:**

AFFORDABILITY CHECKER - EXAMPLE 2	
Service User's Minimum Income Guarantee Level:	£144.30
Partner's Income:	£77.50
Less Partner's 50% housing cost share:	<u>-£2.00</u>
Partner's net income:	<u>£75.50</u>
Service User's Minimum Income Guarantee Level plus Partner's net income:	£219.80 (A)
Couple Personal Allowance (for DWP benefits):	£243.25 (B)
<p>£A is less than the value of £B, so an adjustment will be made to the service user's Minimum Income Guarantee Level to increase it by the value of (£B - £A) = (£243.25 - £219.80) = £23.45. The Service User's adjusted Minimum Income Guarantee Level will be (£144.30 + £23.45) = £167.75</p>	



Proposal to change areas of the Charging and Financial Assessment Framework for Adult Care and Support

Directorate: Adult Care & Health Services

Service: Wellbeing, Commissioning and Improvement

Name: Steve Saunders

Job Title: Principal Personal Budget Support Officer

Date of assessment: 06/03/2017

### Scope your proposal

**What is the aim of your policy or new service/what changes are you proposing?**

To propose changes to the Council's approach to charging for the following areas:

- Ongoing costs of Telecare services
- Short/temporary stay in a care home accommodation
- Meals and refreshments at Council run Day Centres

The proposals include changes to the way we carry out a financial assessment:

- Treatment of disability benefits and disability-related expenses (DRE)
- Treatment of income from borders and lodgers (non-residential care)
- Assessment of couples (adults who live with a spouse/partners) (non-residential care)
- Allowances for housing costs

**Who will benefit from this proposal and how?**

This contributes to the sustainability of the RBC Adult Social Care budget and so benefits local residents and tax payers but particularly those who have or may develop care and support needs.

**What outcomes does the change aim to achieve and for whom?**

Increased income for the Adult Social Care budget. This contributes to the sustainability of the Adult Social Care Budget by increasing income from fees and charging for care. Without sustainability there would be less money to fund care packages.

**Who are the main stakeholders and what do they want?**

Non-residential service users of social care services (Young people / adults)  
Service users receiving Telecare  
RBC adult social care staff

Voluntary sector organisations supporting carers and supporting people who need added support and care  
Providers of care at home services / Supported living  
Respite care providers  
Benefits and welfare sector organisations  
SC Service Users / User Forums  
Older people and older people's interest groups  
Youth groups  
Unpaid carers (young and adult carers) groups  
Staff from RBC, CCGs, RBH, BHFT  
Staff from partner health & care providers (e.g. private hospitals, domiciliary care, residential care)

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**Assess whether an EqIA is Relevant**

How does your proposal relate to eliminating discrimination; promoting equality of opportunity; promoting good community relations?

Do you have evidence or reason to believe that some (racial, disability, gender, sexuality, age and religious belief) groups may be affected differently than others? (Think about your monitoring information, research, national data/reports etc.)

Yes

Is there already public concern about potentially discriminatory practices/impact or could there be? Think about your complaints, consultation, and feedback.

Yes

There has been recent national press coverage of the how increased demand on limited / reducing social care budgets impacts on older and disabled people.

If the answer is Yes to any of the above you need to do an Equality Impact Assessment.

If No you **MUST** complete this statement

An Equality Impact Assessment is not relevant because:

Signed (completing officer)

Date

Signed (Lead Officer)

Date

---

## Assess the Impact of the Proposal

Your assessment must include:

- Consultation
- Collection and Assessment of Data
- Judgement about whether the impact is negative or positive

Think about who does and doesn't use the service? Is the take up representative of the community? What do different minority groups think? (You might think your policy, project or service is accessible and addressing the needs of these groups, but asking them might give you a totally different view). Does it really meet their varied needs? Are some groups less likely to get a good service?

How do your proposals relate to other services - will your proposals have knock on effects on other services elsewhere? Are there proposals being made for other services that relate to yours and could lead to a cumulative impact?

**Example:** A local authority takes separate decisions to limit the eligibility criteria for community care services; increase charges for respite services; scale back its accessible housing programme; and cut concessionary travel.

Each separate decision may have a significant effect on the lives of disabled residents, and the cumulative impact of these decisions may be considerable.

This combined impact would not be apparent if decisions are considered in isolation.

## Consultation

How have you consulted with or do you plan to consult with relevant groups and experts. If you haven't already completed a Consultation form do it now. The checklist helps you make sure you follow good consultation practice.

[My Home > Info Pods > Community Involvement Pod - Inside Reading Borough Council](#)

Relevant groups/experts	How were/will the views of these groups be obtained	Date when contacted

<ul style="list-style-type: none"> <li>• Non-residential service users of social care services (Young people / adults)</li> <li>• Service users receiving Telecare</li> <li>• RBC adult social care staff</li> <li>• Voluntary sector organisations supporting carers and supporting people who need added support and care</li> <li>• Providers of care at home services / Supported living</li> <li>• Respite care providers</li> <li>• Benefits and welfare sector organisations</li> <li>• SC Service Users / User Forums</li> <li>• Older people and older people's interest groups</li> <li>• Youth groups</li> <li>• Unpaid carers (young and adult carers) groups</li> <li>• Staff from RBC, CCGs, RBH, BHFT</li> <li>• Staff from partner health &amp; care providers (e.g. private hospitals, domiciliary care, residential care)</li> <li>• Voluntary and community sector organisations (carers, benefits and welfare...)</li> </ul>	<p>Via public consultation. Stakeholders will be invited to comment and feedback via the following media:</p> <ul style="list-style-type: none"> <li>• Online questionnaire (Paper copies available on request)</li> <li>• Consultative Forums and User Groups</li> </ul>	<p>During the consultation period Dec'16-Mar'17.</p>
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**Collect and Assess your Data**

Using information from Census, residents survey data, service monitoring data, satisfaction or complaints, feedback, consultation, research, your knowledge and the knowledge of people in your team, staff groups etc. describe how the proposal could impact on each group. Include both positive and negative impacts.

(Please delete relevant ticks)

**Describe how this proposal could impact on Racial groups**

The policy will apply equally to all service users who receive support from the Council regardless of racial group. However, the introduction of charges may deter some people from seeking support, and this could impact differently within particular minority ethnic communities.

Is there a negative impact?  Not sure

**Describe how this proposal could impact on Gender/transgender (cover pregnancy and maternity, marriage)**

The policy will apply equally to all service users who receive support from the Council regardless of gender. However, women are over-represented amongst users of Adult Social Care, so any new policy is likely to have a disproportionate impact on women.

Is there a negative impact?  Not sure

**Describe how this proposal could impact on Disability**

People with disabilities who receive care packages from the Council may find they are charged or charged more for the same service.

Is there a negative impact?  Yes

**Describe how this proposal could impact on Sexual orientation (cover civil partnership)**

The policy will apply equally to all service users who receive support from the Council regardless of sexual orientation.

Is there a negative impact?  No

**Describe how this proposal could impact on Age**

Older people who receive care packages from the Council may find they are charged or charged more for the same service.

Is there a negative impact?  Yes



**Describe how this proposal could impact on Religious belief?**

The policy will apply equally to all service users who receive support from the Council regardless of religious belief.

**Is there a negative impact?**

No

## Make a Decision

If the impact is negative then you must consider whether you can legally justify it. If not you must set out how you will reduce or eliminate the impact. If you are not sure what the impact will be you **MUST** assume that there could be a negative impact. You may have to do further consultation or test out your proposal and monitor the impact before full implementation.

Tick which applies (Please delete relevant ticks)

1. No negative impact identified      Go to sign off

2. Negative impact identified but there is a justifiable reason

You must give due regard or weight but this does not necessarily mean that the equality duty overrides other clearly conflicting statutory duties that you must comply with.

Reason

3. Negative impact identified or uncertain

Yes

What action will you take to eliminate or reduce the impact? Set out your actions and timescale?

Application of Minimum Income Guarantee legislation in the Care Act 2014 and the proposed affordability check for couples to ensure that the assessed charge does not leave them and their partner's combined financial situation below minimum income levels.

Timescale - Minimum Income Guarantee already in place. Affordability check, immediately from implementation.

How will you monitor for adverse impact in the future?

Ongoing monitoring of the use of assistive technology, day centres and respite/short stays would be necessary to check whether any policy changes were having a detrimental effect on uptake or attendance of services.

Outcome of Financial Assessment reviews.

Signed (completing officer)

Date

Signed (Lead Officer)

Date

## READING BOROUGH COUNCIL

### REPORT BY DIRECTOR OF ADULT CARE AND HEALTH SERVICES

TO:	ADULT SOCIAL CARE CHILDREN'S SERVICES AND EDUCATION COMMITTEE		
DATE:	20 MARCH 2017	AGENDA ITEM:	12
TITLE:	STATUTORY ADVOCACY SERVICES FOR ADULTS		
LEAD COUNCILLOR:	Cllr RACHEL EDEN /Cllr GRAEME HOSKIN	PORTFOLIO:	ADULT CARE AND HEALTH SERVICES
SERVICE:	ADULT CARE AND HEALTH SERVICES	WARDS:	ALL WARDS
LEAD OFFICER:	JANETTE SEARLE	TEL:	0118 937 3753
JOB TITLE:	PREVENTATIVE SERVICES DEVELOPMENT MANAGER	E-MAIL:	<a href="mailto:Janette.Searle@reading.gov.uk">Janette.Searle@reading.gov.uk</a>

#### 1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 This report proposes the re-commissioning of three types of statutory advocacy provision under a single contract, setting out the rationale for this approach from a customer perspective and as an efficiency measure.
- 1.2 The preferred option is to commission a single provision to deliver Independent Mental Health Act advocacy, Care Act advocacy and NHS Complaints advocacy.

#### 2. RECOMMENDED ACTION

- 2.1 That the Director of Adult Care and Health Services, in consultation with the Head of Legal Services and the Lead Councillor for Adult Care and the Lead Councillor for Health, be authorised to enter into a legally binding agreement with the provider or providers who are successful in a commissioning exercise to deliver a combined statutory advocacy service for adults in accordance with the requirements of the Mental Health Act (2007), the Health and Social Care Act (2012) and the Care Act (2014).

#### 3. POLICY CONTEXT

- 3.1 The Council is obliged to make available advocacy support under prescribed circumstances in order to support adults' engagement in health or social care processes. These statutory advocacy services are distinct from self-advocacy services - currently provided by Talkback for Reading adults with a learning disability (and young people with a learning disability at the point of transition into adulthood) following the Narrowing the Gap re-commissioning exercise - and are also distinct from ongoing advocacy support which may be purchased with a Personal Budget when

an Adult Social Care service user is assessed as needing this support in order to meet Care Act outcomes.

- 3.2 *Independent Mental Capacity Act (IMCA)* advocates support vulnerable people who lack capacity to make important decisions, and who have no-one with whom it is appropriate to consult regarding those decisions. Support is provided in respect of the following decisions:
- Serious Medical Treatment
  - When the Local Authority is proposing to arrange accommodation for someone for longer than 8 weeks
  - When the NHS body is proposing to arrange accommodation for someone for longer than 28 days
  - The Deprivation of Liberty (DoLS) assessment process.

- 3.3 *Independent Mental Health Act (IMHA)* advocates support vulnerable people who are subject to the provisions of the Mental Health Act. This can include clients who are:
- detained under the Act;
  - conditionally discharged restricted patients;
  - subject to guardianship;
  - supervised community treatment (SCT) patients;
  - discussing the possibility of certain types of treatment.

Support is provided to help patients obtain information about and understand the following:

- their rights under the Act;
- the rights which other people (eg nearest relatives) have in relation to them under the Act;
- the particular parts of the Act which apply to them and which therefore make them eligible for advocacy;
- any conditions or restrictions to which they are subject;
- any medical treatment that they are receiving or might be given;
- the reasons for that treatment (or proposed treatment).

- 3.4 *Care Act* advocates support people who would have substantial difficulty in engaging with an Adult Social Care assessment, care planning process or review, or in taking part in Adult Safeguarding processes - and who have no one else suitable who could assist. The Care Act advocates help people to:
- understand information which the person needs in order to engage; or
  - retain information for long enough; or
  - use or weigh information; or
  - communicate their wishes and views.

Support is provided in order to represent the person and facilitate their engagement in the processes of assessment, care / support planning, review or Adult Safeguarding enquiries.

- 3.5 *NHS Complaints* advocates support people who have an issue or complaint about any aspect of their National Health Service (NHS) treatment or care. Advocates support and enable people to:
- seek resolution to issues which concern them;
  - understand their rights, make informed choices, and ensure that public and patient voices are heard and respected by those who make decisions about NHS healthcare services;
  - ensure client experiences inform service development in the NHS; and
  - feel more empowered, autonomous and informed about standards of healthcare.

- 3.6 The criteria for accessing the various services are complex, and it is not uncommon for referrals to be made initially into the wrong provision, although Reading's providers do appear to be working well together to remedy these errors quickly when

they occur. There is nevertheless scope to simplify arrangements to reduce delay, distress and abortive cost.

- 3.7 An individual adult may be eligible for more than one type of statutory advocacy at various times as they come into contact with health and social care. It is both desirable and more cost effective for an individual to be supported by the same advocate if this can be arranged. An advocate needs time to build up a rapport with an individual in order to advocate effectively, and it is time consuming if the individual needs to start afresh each time they need advocacy services. It is never possible to guarantee consistency of advocate, but this is more likely to be achievable if the various advocacy services which the local authority must provide are commissioned in alignment.
- 3.8 Bringing advocacy provision together is seen nationally as good practice, e.g. Care Act regulatory guidance references to considering other statutory advocates for Care Act advocacy.

#### 4. THE PROPOSAL

##### Current Position

- 4.1 Each of the four statutory advocacy services for adults is commissioned under a separate arrangement for Reading currently, and six separate organisations provide the advocates. A further separate provider is commissioned to provide advocacy support to children.
- 4.2 The IMCA service for Reading is commissioned jointly with the other Berkshire local authorities, under Wokingham's lead, under a contract which runs through into 2018-19. The provider has consistently met its targets and delivered the service to the standard specified. Client engagement has risen after a recent court ruling expanded service eligibility to a much wider group of clients. As such, no efficiency savings have been identified as realisable at this stage.
- 4.3 The IMHA, NHS Complaints and Care Act advocacy services are all commissioned under arrangements which have been extended into 2017-18 only, and there is an overlap between services and providers.

##### Option Proposed

- 4.4 The proposal is to re-commission IMHA, ICAS and Care Act advocacy under a single contract offered either to a sole provider or to a lead provider who would offer a single point of contact but may sub-contract some or all of the services. The model would provide for an annual brokerage / co-ordination fee with advocacy services then purchased as required at an agreed hourly rate. Statutory advocacy provision needs to draw on expertise with different client groups, and the sub contracting option would allow for the involvement of several organisations if the requisite expertise did not exist within a sole/lead provider.
- 4.5 The proposed option would largely meet the expressed demand for a one stop shop for adult advocacy, although IMCA provision could remain separate for the time being, subject to the outcome of the tendering exercise. All other referrals for advocacy provision would go to one place and the provider would determine the most appropriate advocate to provide the service.

## Other Options Considered

### 4.6 *Re-commission all adult advocacy provision through a single process*

This would mean that all referrals for advocacy provision (including IMCA) would go to one place and the provider would determine the most appropriate advocate to provide the service. This would involve an early withdrawal from the pan-Berkshire IMCA contract and could potentially destabilise the provision of a sensitive service, so is not recommended at this time.

### 4.7 *Re-commission children's and adults' advocacy services through a single process*

Market analysis indicates it could be difficult to identify a provider willing and able to provide advocacy to both adults and children. Providers tend to specialise in serving adults or children rather than both, so a single provider would need to invest in new staff or additional training in order to deliver a single contract. There could potentially be advantages in supporting young people through transition via an all age advocacy contract. However, support for that cohort is already part of the commissioned self-advocacy service. The potential advantages do not outweigh the likely disadvantages / disincentives to bid, so this option is not recommended.

### 4.8 *Maintain the current commissioning arrangements*

This would mean re-commissioning individual advocacy types separately. This approach could result in more or less overlap between services and providers than we have currently. It is unlikely to lead to a one stop shop with the customer benefits and efficiencies this is expected to achieve. This option is not recommended.

## 5. CONTRIBUTION TO STRATEGIC AIMS

5.1 The services and proposals outlined in this report contribute to meeting the following priorities set out in the Council's Corporate Plan 2016-19:

- Safeguarding and protecting those that are most vulnerable
- Remaining financially sustainable to deliver these service priorities

## 6. COMMUNITY ENGAGEMENT AND INFORMATION

6.1 RBC has consulted with the existing service providers and asked for feedback in reviewing a draft specification for the new service to be commissioned. The existing voluntary sector providers were met with separately to discuss the Council's intentions and have also been part of the wider provider engagement event.

6.2 Anecdotal feedback from service users and providers is that current advocacy arrangements are confusing. The new arrangements proposed are intended to offer a clearer pathway and so improve take up by those entitled to advocacy support.

## 7. EQUALITY IMPACT ASSESSMENT

7.1 The proposal is to retain the same level of service provision as is currently provided, but to simplify access. The services will remain available to all clients who require it, with no change in availability, and therefore no equality impact is foreseen.

## 8. LEGAL IMPLICATIONS

- 8.1 The local authority is under a duty to make available independent advocates for people who meet criteria set out in the Mental Health Act (2007), the Health and Social Care Act (2012) and the Care Act (2014). The combined advocacy service would meet the Council's duties in relation to advocacy provision under each of these statutes. In addition, the service would enable the Council to meet its duties to offer support for those who need it to understand the social care complaints process.

## 9. FINANCIAL IMPLICATIONS

### Capital

- 9.1 There are no capital implications arising from the proposal set out in this report.

### Revenue

- 9.2 The projected spend on IMHA, Care Act and NHS Complaints advocacy services in 2016-17 is £140,000. This sum will be the annual budget for the new combined advocacy service.

### Value for money

- 9.3 The Council hopes to achieve better value for money by providing a service via a single point of referral, and this efficiency gain should offset the cost of meeting any increase in take up. This has been the experience of neighbouring authorities which have already moved towards commissioning statutory advocacy services under a single contract.

### Risk

- 9.4 The commissioning model proposed ties the authority's expenditure more closely to the total amount of statutory advocacy purchased than do current arrangements. This will limit the authority's risk of overcommitting budgets. Demand may increase beyond budgeted capacity, but regular contract monitoring will identify this early so that remedial action may be taken.



**READING BOROUGH COUNCIL  
REPORT BY THE DIRECTOR OF ADULT CARE AND HEALTH SERVICES**

<b>TO:</b>	<b>ADULT SOCIAL CARE, CHILDREN'S SERVICES AND EDUCATION COMMITTEE</b>		
<b>DATE:</b>	<b>20 MARCH 2017</b>	<b>AGENDA ITEM:</b>	<b>13</b>
<b>TITLE:</b>	<b>COMMUNITY SUPPORT FOR MENTAL HEALTH &amp; WELLBEING (ADULTS) 2017-18</b>		
<b>LEAD COUNCILLOR:</b>	<b>COUNCILLOR EDEN COUNCILLOR HOSKIN</b>	<b>PORTFOLIO:</b>	<b>ADULT SOCIAL CARE / HEALTH</b>
<b>SERVICE:</b>	<b>ALL</b>	<b>WARDS:</b>	<b>BOROUGHWIDE</b>
<b>LEAD OFFICER:</b>	<b>JANETTE SEARLE</b>	<b>TEL:</b>	<b>0118 937 3753</b>
<b>JOB TITLE:</b>	<b>PREVENTATIVE SERVICES MANAGER</b>	<b>E-MAIL:</b>	<b><a href="mailto:Janette.Searle@reading.gov.uk">Janette.Searle@reading.gov.uk</a></b>

**1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY**

- 1.1 This report presents a series of proposals for providing community support for adult mental health and wellbeing in 2017-18.
- 1.2 The report includes a summary of feedback received during a public consultation on discontinuing funding for the preventative peer-led support service delivered by Reading Your Way, and an assessment of the anticipated equalities impacts of reducing Council funding for this service in line with previously agreed savings plans.

**2. RECOMMENDED ACTION**

- 2.1 That the Adult Social Care, Children's Services and Education Committee:
- (a) authorises a payment of £2,025 to the Reading Samaritans to recruit and train volunteer listeners to their service throughout 2017-18;
- (b) authorises a payment of £21,000 to Mothertongue Multi-ethnic Counselling and Listening Service in 2017-18 to support Reading residents from black and minority ethnic communities to develop personal resilience and strengthen their community connections;
- (c) considers the feedback received during a public consultation on reducing RBC funding for the preventative support provided by Reading Your Way (appendix 1):

(d) notes that the Berkshire West Clinical Commissioning Groups have committed to contributing revenue funding of £85k into the Reading Your Way organisation for 2017-18;

(e) considers the expected equalities impacts of reducing the level of funding provided by the Council for Reading Your Way's preventative per support service (appendix 2);

(f) authorises the Director of Adult Care and Health Services - in consultation with the Head of Legal Services, the Lead Councillor for Adult Social Care and the Lead Councillor for Health - to negotiate and enter into a legally binding contract with Reading Your Way for the provision of a peer support service which complements and facilitates access to the Compass Recovery College and is to be delivered in 2017-18 at a cost of £76,300; and

(g) endorses the continued occupation by Reading Your Way of 1A Rupert Square RG1 3HE under a tenancy at will.

### 3. POLICY CONTEXT

- 3.1 There is an increasing focus on mental health as a vital part of overall wellbeing. This was illustrated at a national level by the Prime Minister's Charity Commission lecture on 9<sup>th</sup> January 2017. More locally, on 16<sup>th</sup> January, the Brighter Berkshire (Year of Mental Health) campaign was launched. This is aimed at reducing stigma and improving access to support networks. Three of the eight priorities in Reading's Health & Wellbeing Strategy (approved on 27<sup>th</sup> January) focus on emotional wellbeing.
- 3.2 An estimated 26,000 Reading adults are living with a mental health problem.<sup>1</sup> Around 5,000 of these are registered as needing support with a health service, although only around 1% (a little over 300 people) have social care needs which meet the eligibility criteria specified in the Care Act. However, the Council's wellbeing and prevention duties under the Care Act extend beyond those who meet current eligibility criteria. The Council also has a responsibility to provide or arrange services which reduce needs for support among local people and their carers, and contribute towards preventing or delaying the development of such needs.
- 3.3 Community support has become more prominent in plans for quality mental health provision in recent years, alongside the rise of 'recovery' as a guiding principle, nationally and internationally. The Centre for Mental Health defines recovery as: "building a meaningful and satisfying life, whether or not there are recurring or ongoing symptoms or mental health problems." In practice, this means building greater resilience in people with mental health problems, not just treating or managing their symptoms. Moving towards a recovery based approach involves the transformation of mental health services alongside a recognition of the value of supportive communities. There is a strong link between a recovery-based approach to mental health support and

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<sup>1</sup> PANSI (2015)

social inclusion. Under a recovery model, mental health services support people to be and to feel part of the community where they live, and to make better use of community resources.

- 3.4 Recovery in this context is about seeing beyond mental health problems, identifying a person's skills, interests and hopes for the future. Factors which research has found can be important on the road to recovery include:
- good relationships
  - financial security
  - satisfying work
  - personal growth
  - the right living environment
  - developing personal cultural or spiritual perspectives
  - developing resilience to possible adversity or stress in the future.
- 3.5 Services with a recovery focus tend to include elements such as education about illness management, approaches to tackling the stigma that surrounds mental illness, and user-led services like advocacy, mentoring and peer support. A growing body of research supports empowerment as an important component of the recovery process, and the value of user-led services.<sup>2</sup> Numerous studies have evidenced the cost effectiveness of peer support, particularly to health commissioners. Peer support services can reduce psychiatric inpatient bed use, either by preventing admissions or by shortening lengths of stay, and as the costs of inpatient care are so high, even small impacts on bed usage make commissioning peer support worthwhile economically.<sup>3</sup>
- 3.6 The Council's approach to commissioning for all mental health support is based on recovery principles, driven by a commitment to delivering high quality support in line with best practice and the need to keep services cost effective and sustainable.

#### 4. READING SAMARITANS

- 4.1 Reading Samaritans has received support from Reading Borough Council for many years. In 2015-16 a team of 150 volunteers took 40,000 calls from people in distress, supported people who dropped in at the branch in person, or took part in community events. The role of a Samaritans volunteer can be quite demanding, however, and the branch needs to maintain a continuous recruitment and training programme to maintain the team.
- 4.2 It is proposed to maintain the Council's funding support for the Reading Samaritans into 2017-18 in the form of a contract to the value of £2,025 to support the Reading Samaritans' role in building community capacity to promote good mental health. The contracted service will be the recruitment and training of volunteers to act as empathic listeners to support emotional wellbeing in the community. These volunteers will work with members of the community in crisis to avert suicide and promote good mental health. The training program to learn the skills and procedures needed to be a listening

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<sup>2</sup> Richard Warner, 2010

<sup>3</sup> Trachtenberry et al, 2013

volunteer includes thirty hours of classroom based training. Further to satisfactory completion of the classroom based training further training and support will be provided via mentoring whilst performing the service.

## 5. MOTHERTONGUE

- 5.1 Mothertongue is a culturally sensitive, professional counselling and listening service, which also provides various group sessions to promote social inclusion, and support to enable people whose first language is not English to access other community services. 250 people used the service in 2015-16. The number of individual or couple counselling sessions offered is limited from the outset, so that people do not become reliant on a service. Rather, the service aims to build people's coping strategies and maximise their opportunities for inclusion within their local community.
- 5.2 Reading Borough Council has provided funding support to Mothertongue for a number of years. As part of the Council's voluntary sector savings programme, (reported to Policy Committee in November 2015) funding for Mothertongue is due to reduce from £30,000 p.a. to £21,000 in 2017-18. Mothertongue is in the final stages of delivering a project to develop best practice in supporting people from black and minority ethnic communities. This best practice will be shared with mainstream counselling services so as to improve those services' accessibility to people from different cultural backgrounds and whose first language is not English. The organisation has a clear exit plan, including the managed transition of its social inclusion support. The organisation will cease to exist on completion of this plan, and will not be seeking funding support from the Council after 2017-18.
- 5.3 There has been a direct negotiation with Mothertongue over the past 12m to find ways to support a managed exit whilst still achieving savings for the Council. Mothertongue have therefore put together a proposal to deliver in their final year with a 30% reduction in RBC funding. It is proposed to provide Mothertongue with a final contract to the value of £21,000 for 2017-18 to promote the wellbeing of Reading residents from black and minority ethnic communities who are at risk of social isolation. By supporting individuals and families to develop personal resilience and to strengthen their community connections, the service will prevent the escalation of care and support needs. The service delivered under this contract in 2017-18 will consist of:
- a basic English as a Second or Other Language (ESOL) course, through which service users will be provided with opportunities to develop their English language skills and so improve their confidence, independence and employability;
  - a women's craft group to provide opportunities for social interaction, language development and peer support;
  - language support to voluntary and community groups based in Reading so as to facilitate access to services by residents from black and minority ethnic cultures which will promote or protect wellbeing across one or more of the wellbeing domains specified in the Care Act (2014) statutory guidance and to support them to grow and develop as individuals.

## 6. COMPASS RECOVERY COLLEGE

- 6.1 One particular type of recovery-based service which has now been developed in many parts of the country is the recovery college. This uses an education model to empower people to become experts in their own self-care, and to develop skills for independent living and working. Within a recovery college, professional expertise and lived experience have equal value. A range of courses are developed and delivered by people who can call upon their own lived experience of mental health and life issues, together with clinically trained staff.
- 6.2 The Council's in-house mental health day service was re-launched in September 2016 as the Compass Recovery College. Courses are available on various aspects of recovery and self-management skills, and modules range in length from one day workshops to longer courses running for 4-10 sessions. The College is open to anyone over the age of 18 with lived experience of mental illness, or life challenges, as well as friends, families, carers and mental health practitioners and clinicians.
- 6.3 At the heart of the Compass Recovery College is a strong commitment to have service users shape their own futures as well as the future direction of the College. On registering with Compass, people are asked to complete an individual Learning Plan (ILP) with a peer trainer. This helps each student to decide what he or she wants out of the Recovery College and to set future goals. The College was launched on the back of a public consultation in the summer of 2016, through which stakeholders broadly expressed support for the development of a recovery college style of service combined with access to support in a more informal way. Compass therefore facilitates a programme of opportunities for people to interact socially - whether or not enrolled with the College - in addition to offering recovery courses and workshops. This includes coffee mornings, arts and crafts sessions, and sports activities offered in partnership with Sport in Mind.
- 6.4 Compass currently has 104 enrolled students, and 110 people are regularly taking part in peer led social activities offered alongside recovery courses. The service operates on funding of £64,000 p.a. from RBC.

## 7. READING YOUR WAY

- 7.1 Reading Your Way (RYW) provides peer-led support for people who have experienced mental health problems to prevent health and care needs from escalating. One-to-one and group sessions are available during office hours from Monday to Friday. Support is available for:
- Managing mental health
  - Entering education
  - Returning to work
  - Finding new hobbies and social activities
  - Solving housing issues
  - Making friends
  - Organising finances
  - Reducing the need for mental health services

RYW has a strong ethos of holistic person-centred support so that each individual is supported in the way they choose that is right for them. Your Way brings people together and facilitates peer support networks as well as helping people to navigate other community services.

- 7.2 There are currently a little over 200 people using RYW's preventative support service. The service is funded by RBC (£109k p.a.) and by the Berkshire West CCGs (£85k p.a.). In addition, the Council provides the organisation with rent-free premises at 1 Rupert Square. The market (rental) value of the property is considered to be c. £6k p.a.
- 7.3 Feedback from the recent consultation about proposed cuts to RYW funding is that there would be a gap if the current service provided by RYW ceased. The current service has been described as a bridge between statutory/acute services and other community support. Service users feel that Your Way has enabled them to form an empathic supportive community so that people who use the service keep one another well, reducing demand both on statutory services and on family/informal carers. Many value the current RYW service for its contribution to reducing crises and preventing the need for formal crisis support.
- 7.4 RYW has been actively involved in the development of the Reading Recovery College, bringing members' expertise to planning discussions and ongoing governance arrangements. The RYW service is evolving naturally to include support for Recovery College students to complement the College's offer. RYW is also involved in discussions with the CCGs to support the re-modelling of mental health crisis support in Reading. Both of these projects open up opportunities for the Council and the CCGs to work together and with RYW and its service users in 2017-18 to plan for further changes and manage any necessary transitions safely.
- 7.5 Officers' recommendation is that the Council continue to commission a preventative support service from RYW in 2017-18. This will be at funding level set previously for this service from 2017-18 in line with agreed savings plans, and which RYW has been aware of for some time. A new funding agreement will need to be drawn up to reflect service changes since the original agreement was prepared as well as funding changes.
- 7.6 Reading Your Way is currently in occupation of 1A Rupert Square RG1 3HE. The property is owned by RBC and RYW is allowed to occupy the property at nil rent but with responsibility for maintaining the property. RYW occupies the property under a Tenancy at Will. A Tenancy at Will is usually granted to facilitate occupation pending completion of a Lease and can be terminated at any time by either party on short notice (usually just long enough to allow a tenant to remove furniture/fittings).
- 7.7 Terms for a 1 year lease at nil rent between RBC and RYW were agreed and a Decision Book process was completed on 10 June 2016. There was an urgent requirement then to relocate Reading Your Way from 127 Oxford Road to Rupert Square to facilitate a series of moves and as the lease could not be completed ahead of the required move date the Chief Valuer, in consultation with all relevant Councillors, exercised his Delegated Authority to grant a

Tenancy at Will. As Reading Your Way has not yet signed the lease, they continue to occupy under the Tenancy at Will. The grant of a new/further lease would normally be expected to be taken through a Decision Book process. However, due to the circumstances of this occupation ACE Committee is being asked to endorse continued occupation of the space by Reading Your Way under the Tenancy at Will.

## 8. CONTRIBUTION TO STRATEGIC AIMS

8.1 Promoting mental health and emotional wellbeing features strongly in Reading's Health and Wellbeing Strategy 2017-20, with three of the eight priorities having this focus:

- Promoting positive mental health and wellbeing in children and young people
- Reducing deaths by suicide
- Reducing loneliness and social isolation

8.2 The proposals contained in this report are aligned with the following corporate service priorities:

- Safeguarding and protecting those that are most vulnerable
- Providing the best life through education, early help and healthy living
- Remaining financially sustainable to deliver these service priorities

8.3 The Council's Commissioning Intentions as presented to the Health and Wellbeing Board on 27<sup>th</sup> January 2017, include the following in relation to mental health services:

"We will re-commission our support for mental health peer support aligned to the Recovery College and on a recovery approach."

## 9. COMMUNITY & STAKEHOLDER ENGAGEMENT

9.1 The Council ran a public consultation between 13<sup>th</sup> July and 23<sup>rd</sup> August 2016 on community support for mental wellbeing. This sought views on the further development of a recovery approach in Reading - in the form of a recovery college - and what other community support people might look for to complement a recovery college.

9.2 People identified a number of benefits they would expect a Reading recovery college to deliver - helping people to make sense of mental health, understand treatment options, build self confidence, be better able to navigate services (not just mental health support specifically), and develop life and employment skills. In terms of enhancing social contact, most people said that a recovery college could be an important part of this, but stressed the importance of opportunities to engage with peers outside of a classroom setting. Some people felt that service users who had struggled at school would feel that a 'college' was not for them. This was thought to be partly a problem of negative associations with particular language, but not solely a presentational issue. There were also concerns that some people may find a Recovery College too structured and therefore inaccessible.

9.3 In terms of crisis support, people felt the biggest gap currently was for early intervention at the start of a difficult period. Several people relayed

experiences of trying to access crisis support when they felt a crisis coming on, only to be told their need wasn't severe enough to qualify for the service they were trying to reach. Those people had gone on to access crisis support when their condition escalated, but felt that their attempts at self management had not been properly supported. People felt that access to safe space at an early stage was needed to avert full blown crises, and for this to be direct access outside of scheduled or pre-booked sessions. This feedback was shared with CCG commissioners to help inform their review of crisis provision in Reading.

- 9.4 RBC launched a further public consultation on 7 December 2016 on the future of its funding for the preventative peer support service provided by Reading Your Way ('RYW'). This consultation ran alongside an exploration by the Berkshire West CCGs of developing a cafe haven style service to support people in mental health crisis. The consultation was used to gather detailed feedback on the likely impact of the Council ceasing to fund RYW. There were conversations with service users, families and other providers about the role RYW's service had played in supporting people and in helping them to form or strengthen connections with the community and other support.
- 9.5 The Council and the CCGs maintained a dialogue throughout the consultation period and shared stakeholder feedback on their respective plans. This led to an agreement that both commissioners would continue to support RYW's preventative peer support service into 2017-18. On 10<sup>th</sup> February 2017, the Council issued a press release setting this out. Understandably, formal consultation feedback then slowed down dramatically. The annexed consultation report (appendix 1) therefore simply summarises the issues as highlighted during the earlier part of the consultation period. It does not reflect the true level of interest in the issues, as many stakeholders had prepared to submit responses at the end of the consultation period, but decided this was unnecessary in the light of the Council's announcement. In particular, a petition prepared for this committee was not presented.
- 9.6 Reading has a range of community services providing listening support, support to stay active and enjoy a healthier lifestyle, to develop employment skills, meet socially and get advice on money and housing issues. However, consultation feedback was that there would still be a gap if the current service provided by RYW ceased. Alongside formal consultation feedback, the Council received a number of personal testimonials from service users describing the difference RYW's support had made to them. People described RYW as a safe space where they can rediscover and develop skills, including how to start trusting other people and forming bonds which help them to enjoy a more meaningful life. Knowing that ongoing support is available from RYW has given many service users the confidence to move on to face new challenges and take up new opportunities.

## 10. LEGAL IMPLICATIONS

- 10.1 The Health and Social Care Act (2012) gives duties to local authorities and clinical commissioning groups (CCGs) to develop a Health and Wellbeing Strategy and to take account of the findings of the Joint Strategic Needs Assessment (JSNA) in the development of commissioning plans. Section 2(1) of the Care Act (2014) places a duty on local authorities to provide or arrange



services that reduce needs for support among people and their carers in the local area, and contribute towards preventing or delaying the development of such needs.

- 10.2 Reading's JSNA highlights the need for people with mental health problems to be better supported to live healthy lives so as to bring life expectancy on a par with that of the rest of the population. The JSNA recites some of the evidence in support of a preventative and recovery-based approach to mental health and concludes that there is a need to develop a socially-inclusive Reading that promotes access to social networks for people with mental health problems.
- 10.3 Members of the ACE Committee are under a legal duty to comply with the public sector equality duties set out in Section 149 of the Equality Act (2010). In order to comply with this duty, members must positively seek to prevent discrimination, and protect and promote the interests of vulnerable groups. Those who are likely to use the services described in this report will most probably be in possession of at least one of the 'protected characteristics' as set out in the Equality Act, and members must therefore consider the likely equality impacts of the decisions they make on the recommendations presented to them.

## 11. EQUALITY IMPACT ASSESSMENT

- 11.1 Reducing the level of funding for the current service provided by Reading Your Way carries the risk that people will have less access to preventative mental health support and so be more likely to require crisis support and/or develop greater care and support needs. The proposed level of funding from RBC in 2017-18 - in line with previously agreed savings plans - equates to a reduction of 17% in the total revenue funding the service receives in 2016-17. This is unlikely to reduce the total number of people who can access the service, but is likely to reduce the extent of individuals' contact with the service.
- 11.2 All users of RYW have mental health problems and are likely to fit the definition of 'disability' within the terms of the Equality Act 2010. Family / informal carers of service users have been identified as additional beneficiaries of the current service, and these carers are likely to qualify for Equality Act protection by virtue of association. Some demographic groups are over represented in the current RYW service user group. This means that reducing the level of funding for RYW could have a disproportionate negative impact on some protected groups.
- 11.3 The risks of adverse equality impacts can be mitigated in part by raising awareness of other sources of community support and by working with community groups to improve their accessibility by and relevance to adults with mental health needs.

11.4 A full Equality Impact Assessment appears at Appendix 2.

## 12. FINANCIAL IMPLICATIONS

- 12.1 Following a wide-ranging budget consultation in 2015, the Council's Policy Committee approved a series of savings measures including a reduction in the

Council's expenditure on neighbourhood preventative services delivered by the voluntary and community sector. This savings plan included a 30% reduction in the budget for Mothertongue's service (a reduction of £9,000 leaving a budget of £21,000) and for mental health daytime peer support from 2017-18 (a reduction of £32,700 leaving £76,300 p.a.).

- 12.2 A report to Policy Committee in December 2016 described an £18.4m budget gap for the period 2017-20. This gap had been calculated on the assumption that all savings plans agreed previously would be delivered. Beyond this, the Council needed to implement a Financial Sustainability Plan (as submitted to central government) based on managing demand, increases in productivity, strategic commissioning and reductions in service. In order to achieve the substantial savings needed, Policy Committee approved a package of measures including the launch of a public consultation on ceasing funding to Reading Your Way altogether at the end of the current funding agreement. This would increase savings by £76,300 p.a. in addition to the £32,700 p.a. saving already planned.
- 12.3 A number of key mandatory functions funded from Public Health Grant are predicting an underspend for 2016-17. As many of these service are demand led, it is difficult to adjust budgets in year to reflect overall take up. This is particularly evident in our sexual health spend as there does not seem to be a consistent demand. Fortunately for the Council the Public Health Grant can be carried forward into subsequent years and it is proposed that the £76,300 required for Reading Your Way in 2017-18 is funded from the carry forward underspend.
- 12.4 If a concessionary rental to Reading Your Way is approved, there will be a potential loss of income of circa £6,000 p.a. in 2017-18.

### 13. APPENDICES

Appendix 1 - Consultation report

Appendix 2 - Equality Impact Assessment

### 14. BACKGROUND PAPERS

*Proposed service offers and budget proposals 2016-19 to narrow the budget gap*  
- report to Policy Committee 20.07.2015

*Narrowing the Gap Commissioning Framework and support for the third sector*  
- report to Policy Committee 02.11.2015

*Proposed service offers and budget proposals 2016-19 to narrow the budget gap*  
- report to Policy Committee 30.11.2015

*Council-Owned Premises Occupied by the Third Sector - Policy Statement*  
- report to Policy Committee 18.01.2016

*Budget proposals 2017-20 to narrow the budget gap*  
- report to Policy Committee 05.12.2016

## Appendix 1



# Reading Your Way

## consultation report – March 2017

### Executive Summary

Reading Borough Council ('the Council') launched a public consultation on 7 December 2016 on the future of its funding for the preventative peer support service provided by Reading Your Way ('RYW'). This is a service for people with personal experience of mental health problems, although it also benefits family/informal carers.

This consultation ran alongside an exploration by the Berkshire West Clinical Commissioning Groups ('the CCGs') of developing a cafe haven style service to support people in mental health crisis. This included a proposal that RYW be commissioned to support the café haven instead of delivering its current service, which would have left the Council as the sole funder of the preventative service.

The consultation was used to gather detailed feedback on the likely impact of the Council ceasing to fund RYW. There were conversations with service users, families and other providers about what other support would be available, including the new Recovery College, launched in September 2016 in response to previous consultation feedback.

The Council and the CCGs maintained a dialogue throughout the consultation period and shared stakeholder feedback on their respective plans. This led to an agreement that both commissioners would continue to support RYW's preventative peer support service into 2017-18. On 10<sup>th</sup> February 2017, the Council issued a press release setting this out. Understandably, formal consultation feedback then slowed down dramatically. This report therefore simply summarises the issues as highlighted during the earlier part of the consultation period. It does not reflect the true level of interest in the issues, as many stakeholders had prepared to submit responses at the end of the consultation period, but decided this was unnecessary in the light of the Council's announcement. In particular, a petition prepared for presentation to the Adult Care Children's Services and Education Committee was not presented.

## Reading support for mental health

Reading Your Way is a voluntary sector organisation commissioned by the Council and by the CCGs to provide group and one-to-one support for personal recovery from mental health difficulties, primarily through peer mentoring. Sessions include drop-ins, social and sporting activities, hospital outreach, a men's group and a women's group. Support includes assistance with practical issues, such as housing and benefits, which may act as triggers for some service users. In 2015-16 there were 190 service users at any one time and the service currently employs 4 staff. RYW operates alongside a number of other community services for mental health as well as statutory services as described below.

People with severe and complex mental health needs can access statutory support services through the *Community Mental Health Team*, subject to meeting eligibility criteria. The service is open Monday to Friday from 9 to 5. There is also an out of hours *Mental Health Crisis Service* which is available 24 hours 7 days a week.

For housing advice, people can contact the Council's *Housing Advice Service*. Where someone needs help to maintain their tenancy and prevent homelessness, they can be referred on to *Launchpad's Floating Support* service. Money and debt advice is available from:

- *Citizens Advice Reading*
- *Reading Community Welfare Rights Unit*
- *Reading Frontline*
- *Communicare*
- *N:Quire*
- *Christians Against Poverty*

These are not mental health specific services, but providers are expected to make reasonable adjustments to accommodate people with mental health needs.

Other listening and support services available to Reading residents include:

- *Talking Therapies* - a free NHS service which people can self-refer to, but there is usually a waiting list
- *Mums in Mind* - for mothers feeling alone or anxious
- *Mothertongue* - culturally sensitive counselling and listening
- *Listening Place* - bereavement support group
- *Depression Xpression* - a peer-led support group
- *Anxiety Alliance* - an advice and support telephone service
- *Papyrus* - support for teenagers and young adults who are distressed or suicidal
- *Reading Samaritans* - a 24/7 phonenumber plus a daytime/evening drop in support for people who are anxious, depressed or suicidal
- *CALMzone* - online and telephone support for men at risk of suicide

Reading residents can also access national helplines run by:

- *Rethink Mental Illness*
- *Mental Health Foundation*
- *Sane*

Services which Reading residents can access for help with employment or other support to find volunteering opportunities include:

- *New Directions* - for career advice and guidance as well as a wide range of courses to develop skills
- *The Earley Charity* - employability workshops
- *Adviza* - support and mentoring for young people not in employment or training
- *ElevateMe* - careers information and advice for young people
- *Ways and Means Trust* - job coaching and supported employment for people wanting to become work ready
- *Reading Voluntary Action* - offers a volunteer matching service

People who are specifically looking for opportunities to engage with others socially can find community groups through the *Reading Services Guide*. Most of these are not aimed at people with mental health difficulties in particular, but will often include people with experience of mental health problems amongst their service users and volunteers.

In September 2016, the Council launched the *Compass Recovery College* for Mental Health. The College is based on the premise that meaningful activities are important in helping people rebuild their lives after experiencing mental health problems. The right activities help people to develop new skills for living and working, and more or stronger social relationships. By choosing from a range of courses available, students at the Recovery College become experts in their own self-care, and discover or re-discover their own resources to help achieve their goals. Lots of different people can deliver Recovery College courses. People with their own experience of mental health problems can both support the College and benefit from its opportunities for development by becoming peer tutors or mentors.

Like other colleges, Recovery Colleges can include a very valuable social and welfare side. Compass offers a range of social and leisure groups alongside putting on courses. These groups can be accessed by enrolled students and others.

## Feedback on the proposal to cut Council funding for RYW preventative support

People were asked to comment on the proposal that the Council discontinue funding Reading Your Way at the end of its current agreement on 31<sup>st</sup> March 2017. Those who had used or knew the service were asked to comment on the likely impact of discontinuing funding, how service users could be supported to access alternative support, and what gaps in service there could be. Although people were being asked to comment on a discontinuation of Council funding only, given the parallel conversations about the CCGs asking RYW to provide a different service (support for the café haven), most responses considered the impact of the RYW preventative support stopping altogether.

### *The importance of preventative support for mental health*

Responses drew attention to evidence about the prevalence of mental health problems and the need for /impact of preventative approaches. This included the economic case for mental health support as set out by the Mental Health Foundation, i.e:

- 1 in 4 people will experience MH problems
- There is already insufficient investment in prevention and too much focus on crisis
- There are links between mental health and physical health problems
- There are links between mental health, suicide (the leading cause of death in men under 40) and self harm
- Isolation is a very significant factor in mental health difficulties
- Peer support is very valuable

RYW users described how the proposals to cut the current RYW service left them feeling not only concerned about what this meant for local policy on mental health but also personally devalued. This brought people's individual fragilities to the fore, and the consultation in itself was a source of considerable distress for some. Because of this, the Council made a public announcement as soon as a way forward was found to continue funding into 2017-18, ahead of the planned closed date for the consultation.

### *A community which helps to reduce social isolation*

Many service users and families described RYW as a community rather than a service, e.g. "This is a supportive community which works to keep people well, but it needs a centre to operate from."

People described strong bonds between the RYW members, and the importance of a service which enables people to build trust and rapport with one another. People described how they had benefited from a feeling of belonging at RYW. RYW was often described as welcoming, and providing a place to be able to talk openly and freely. People who use the service are confident they won't be judged and they

value the opportunities RYW provides for people to interact with others in an environment without expectations.

Many service users recognise the importance of social contact as part of their recovery. RYW service users value having access to a range of opportunities for peer support. This includes the Sport in Mind sessions in leisure centres and the Recovery College groups which meet in venues such as coffee shops, although not everyone who took part in the consultation was aware of these. However, RYW facilitates peer support sessions in private non clinical spaces, and sometimes that privacy is very important to people.

### *Empowering people to self manage*

RYW service users described the current service as an accessible form of support which enabled them to self manage from the earliest signs of difficulties starting to emerge. Many users had also had experience of turning to the Crisis Team, for example, but had been frustrated either by eligibility criteria for that service or by having to go through lengthy explanations. By contrast, the RYW service enables people to “use existing relationships to seek support in a pre-crisis situation”.

People valued the way RYW support is tailored to individual need. The staff and peer mentors are held in high regard, and felt to be absolutely dedicated to supporting recovery. RYW users described the peer support volunteers as a substantial and high calibre support workforce - and pointed out what good value for money they represent.

### *Support to get into / back to employment or volunteering*

One of the concerns people had about the current service ending was that this would reduce the support available for people with mental health difficulties looking to get (back) into employment. As part of this, and as a way of helping people to strengthen community connections, the current RYW service also supports users to find volunteering opportunities. This is something which the Recovery College provides but would need to be developed to replace any loss of provision by RYW.

People who had been supported by RYW to get back to work praised the service for its mental health expertise, and its support workers for being able to gauge the right balance between support and stimulation on an individual basis.

### *Reading Your Way as a stepping stone*

RYW is seen as an important link between crisis / secondary mental health services and a full return to community engagement, including work and accessing other community support. Some of the other community support for mental health in Reading was discussed at the RYW consultation meetings. Many examples were

offered of the part RYW had played in supporting their users to access these other services. There was some concern that, without RYW, take up of these other services by people with mental health needs could reduce.

### *Previous changes at Your Way*

Some of the people who responded to the consultation had been involved with RYW when the service moved premises from Oxford Road in Central Reading to Rupert square in East Reading. That move was thought to have had a major impact on some people, who went into crisis. The prospect of the current RYW service ending altogether was particularly worrying for those individuals.

### *Links to the Recovery College*

Around half of the people who took part in the Reading Your Way consultation had heard of the Reading Recovery College. However, most of those who knew about the Recovery College didn't realise that the College included social activities as well as courses.

There were lots of comments about what interaction there could be between the Recovery College and the peer support model operated by RYW. Some students enrolled in the Recovery College described how RYW had supported them to get to a point where they felt able to benefit from the College. For example, the one-to-one support currently available at RYW had helped one woman 'break the cycle' of being sectioned then being left without support until ill enough to be sectioned again.

There were concerns as to whether reliance on the College alone would provide sufficient mental health peer support. In future this will be needed both for enrolled students and for those not currently well enough to use the Recovery College.

As in the earlier consultation about the launch of a Reading Recovery College, some misgivings were expressed about the name 'Recovery College'. The College ethos is to empower people with mental health problems without expecting that these problems can be banished altogether. Still, there were concerns that people might not appreciate that a 'Recovery College' offered anything for someone with a chronic condition. Other comments were that some people might be daunted by the idea of registering for courses, and need a service to support them to become ready to make those choices.

This feedback highlights ways in which the Recovery College needs to develop to become more relevant to more people. There is scope to draw on RYW's experience in doing this.



### *Links to the café haven proposal*

During the Council's consultation period, the CCGs also started a process of engaging with RYW staff, volunteers and service users about the development of a 'Crisis Café' or Café Haven'. Based on successful trials in other parts of the country, this would offer an alternative to A&E attendance for people in mental health crisis. This would be a safe space available out of hours and staffed by Reading Your Way and BHFT with peer volunteers trained in crisis support. People could self refer or be brought to the Cafe Haven by police or ambulance services.

The CCGs talked about the proposal that Reading Your Way support the transition to a café haven in place of delivering the preventative peer support service. The suggestion was that the café haven would open from 6 to 11pm over 4 days a week - Thursday to Monday - for a pilot phase.

RYW service users welcomed the idea of a café haven, but felt it was important to retain provision for people with mental health needs who are not currently in crisis - the people who 'quietly become more hopeless' if cut off from appropriate support. Many believed that crises would become more likely if RYW's preventative support was removed, leaving many people less able to self manage their mental health condition.

The café haven proposal was broadly welcomed, but in addition to preventative support and not instead of it.

### *Financial pressures*

People responding to the consultation generally recognised the need for the Council to make savings in the face of central government cuts. However, there was some confusion about the funding situation in the light of announcements by the Prime Minister about the importance of mental health, and her support for the Brighter Berkshire campaign. This had created an expectation of additional funding, which had not in fact materialised.

### *Impact on statutory services*

Feedback from service users and families highlighted the importance of commissioners working together to understand the impact of the current RYW service across all relevant statutory services.

Consultation feedback included anxieties that closing RYW's preventative peer support service would lead to more hospital admissions as a result of self harm, suicide attempts or other forms of crisis. Several RYW users described how the RYW service had reduced their use of the Crisis Line, had led to less need for support from the Community Mental Health Team, or had reduced the amount of contact they had with police and ambulance services.

Various stakeholders had concerns that the loss of RYW's preventative support service could increase attendance at Accident and Emergency departments. Alternatively, people speculated that if RYW was commissioned only to support a café haven in future then this would just shift crisis work to a different location rather than reducing the need for it.

Some of those responding to the consultation went as far as to say that withdrawing funding for RYW's preventative service would be dangerous given the likelihood of this increasing demand for already stretched statutory services.

### Consultation methods

An online consultation was launched on 7 December 2016 on the Council's website. This was an open public consultation, but particularly aimed at:

- Current and former users of Reading Your Way
- Unpaid or family carers of people who use or have used Reading Your Way
- Paid staff and volunteers working at Reading Your Way
- Paid staff and volunteers working in partner agencies

A press release was issued to draw attention to the consultation, and hard copies of the questionnaire were posted out to 200+ current users.

Consultation material referred back to an earlier consultation which the Council had conducted on the development of a Mental Health Recovery College. Feedback from that earlier consultation was broadly supportive of the Recovery College concept but showed that people also wanted more informal access to social opportunities and peer support.

Council officers addressed two meetings at Reading Your Way's offices for people affected by the proposals. The second of those meetings was immediately followed by a meeting addressed by CCG representatives about NHS future plans (the café haven). Each meeting attracted 30-40 attendees, the majority of whom had used RYW's peer support services.

In addition, 54 consultation questionnaires were returned either online or in paper copy. Separate statements were submitted by 3 individuals describing the impact the RYW service had on them personally.

An online petition opposing funding cuts was started but not presented in light of the announcement that the Council and the CCGs would continue to fund RYW's preventative support service into 2017-18. That petition nevertheless attracted 388 signatures. In giving their reasons for signing, many signatories described themselves as grateful service users - past and present - or friends or family of people who had obviously benefited from RYW support. Signatories challenged the premise that ending funding for this service would reduce costs as many felt that people would be more likely to need more expensive and intensive services without the support currently available from RYW.

## Appendix 2



## Equality Impact Assessment

Name of proposal/activity/policy to be assessed

Reducing the level of funding for Reading Your Way's preventative peer-led support service

Directorate: Adult Care & Health

Service: Adult Social Care

Name and job title of person doing the assessment

Name: Janette Searle

Job Title: Preventative Services Development Manager

Date of assessment: 01.03.2017

### Scope of proposal

What is the aim of the policy or new service?

The proposal is reduce the level of funding which the Council provides to Reading Your Way (RYW) to provide a preventative mental health support service. The proposed reduction in 2017-18 is £32,700. This equates to a 30% reduction in Council funding for the service, and a reduction of a little under 17% of the total 2016-17 level of revenue funding which goes into the service - from both the Council and from the Berkshire West Clinical Commissioning Groups.

RYW provides a service for people with mental health problems to access with or without a referral. RYW offers peer and volunteer led day activities, including a peer mentor training programme in partnership with New Directions, and 1:1 support to help with identified support needs around recovery, developing personal resilience and employability, and preventing relapse. 1:1 peer support may cover practical issues such as housing or financial concerns.

The service is currently funded by RBC (£109k p.a.) and the Berkshire West CCGs (£85k p.a.) under separate funding agreements. The proposal to reduce the Council's level of funding by 30% across all of its preventative/wellbeing services was addressed out in reports taken to the Council's Policy Committee in July and November 2015, supported by an initial Equality Impact Assessment. This Equality Impact Assessment focuses on the expected impact of a reduction in the Council's funding to the specific preventative mental health support service provided by Reading Your Way.

Reducing the level of this service carries potential risks:

- a lack of suitable community support could lead to delayed discharges from hospital
- reduced access to preventative support could increase the demand for crisis support

- reduced community support could increase pressure on care co-ordinators  
These risks can be mitigated in part by raising awareness of other sources of support, and working with community groups to improve their accessibility and relevance to people with mental health needs.

**Who will benefit from this proposal and how?**

The Council would achieve a saving of £36,700 in 2017-18 in line with its targeted reduction in spend on voluntary sector preventative services. This would benefit local residents by improving the financial sustainability of the Council.

Current users of Your Way would be offered support to make greater use of alternative support, including personal networks and other community services, to help them manage any reduction in access to the current RYW service. In particular, people would be supported to enrol with the recently launched Compass Recovery College. This would link users to support through a model which is in line with best practice and has a focus on promoting self reliance and personal development.

**What outcomes will the change achieve and for whom?**

- A saving of £36,700 in 2017-18 to improve the Council's financial sustainability
- The safe and managed transition of RYW service users who agree to try alternative services to Compass or other community services.

**Who are the main stakeholders in relation to this proposal?**

- Current users of RYW services
- Carers and family members of RYW service users
- RYW staff, peer mentors and volunteers
- health and social care staff who refer to RYW

## Impact of proposal

### Describe how this proposal could impact differently on some racial groups

From the 2015/16 Mental Health Commissioning Plan Needs Analysis we know there is an over representation of some ethnic groups in those accessing mental health services in Reading. This is reflected in national statistics. The 2011 Census indicated that 7% of Reading's population is Black or Black British. The MH needs analysis (above) showed that 15% of RBC mental health service users were Black or Black British, and 12% of RYW service users are in this demographic group. Reducing the level of funding support for RYW's current service would have a greater impact on black and minority ethnic groups than on the general population given the greater prevalence of mental health needs within this group.

Is there a negative impact?                      Yes     No                          Not sure

### Describe how this proposal could impact differently on men and women, or transgendered individuals (including any issues in relation to pregnancy, maternity or marriage)

Reducing the level of funding support for RYW's current service would impact on men more than on women as 61% of service users are male. This is similar to the percentage of male service users in RBC mental health services. Most of RYW's services are not gender specific although there is a Men's Group and a Women's Group currently. As more men use RYW's services currently, males would be disproportionately affected by a reduction in funding.

Is there a negative impact?                      Yes     No                          Not sure

### Describe how this proposal could impact differently on people with a disability

All the service users of RYW have mental health problems and are likely to fit the definition of 'disability' within the terms of the Equality Act 2010. However, the severity of users' mental health problems will vary, and reducing the level of funding support for this service will affect the users differently.

RYW is supporting around 200 people currently. A 17% reduction in the level of funding for the service would require some remodelling of the service. This is likely to reduce the number of hours on which the service can be accessed rather than restricting access to a lower number of individuals. A reduction in funding is likely to reduce the quantity of positive outcomes.

One of the alternative services which people would be encouraged to access to compensate for any reduction in support available from RYW is the Compass Recovery College run through RBC and BHFT. Consultation feedback indicates that although the Recovery College could benefit many RYW service users, some would find it difficult to engage with the College, particularly with reduced support from RYW to do so.

Is there a negative impact? Yes  No  Not sure

Describe how this proposal could impact differently on people based on their sexual orientation (including civil partnership)

No negative or disproportionate impact has been identified.

Is there a negative impact? Yes  No  Not sure

Describe how this proposal could impact differently on people based on their age

There is an over presentation of older people (50-65 year olds) in the RYW service user group when compared to the demographic breakdown of Reading's population, but this is also the case with RBC mental health service users generally. RYW is open to anyone 18 and above.

Is there a negative impact? Yes  No  Not sure

Describe how this proposal could impact differently on people on account of their religion or belief

No negative or disproportionate impact has been identified.

Is there a negative impact? Yes  No  Not sure

#### Assessment of the Equalities Impact of the proposal

1. No negative impact identified Go to sign off

2. Negative impact identified but there is a justifiable reason   
You must give due regard or weight but this does not necessarily mean that the equality duty overrides other clearly conflicting statutory duties that you must comply with.  
Reason

3. Negative impact identified or uncertain   
What action will you take to eliminate or reduce the impact? Set out your actions and timescale?

A consultation with RYW staff, volunteers, service users and family members has identified the range of support which the current service provides and has been used to develop a resource pack listing alternative community services likely to be relevant to RYW service users.

Ongoing community and market development will identify gaps in services, and services that could adapt to ensure Reading can offer a comprehensive range of support to Reading adults to support mental health recovery and prevent crises.

How will you monitor for adverse impact in the future?

Monitoring under the 2017-18 funding agreement will demonstrate levels of activity, take up and outcomes achieved for service users.

Signed (completing officer): Janette Searle

Date: 01.03.2017

Signed (Lead Officer): Jo Hawthorne

Date: 09.03.2017

## READING BOROUGH COUNCIL

### REPORT BY THE DIRECTOR OF ENVIRONMENT AND NEIGHBOURHOOD SERVICES

TO:	ADULT SOCIAL CARE, CHILDREN'S SERVICES AND EDUCATION COMMITTEE		
DATE:	20 MARCH 2017	AGENDA ITEM:	14
TITLE:	NEW DIRECTIONS SERVICE UPDATE		
LEAD COUNCILLOR:	TONY JONES	PORTFOLIO:	EDUCATION
SERVICE:	ECONOMIC & CULTURAL DEVELOPMENT	WARDS:	ALL
LEAD OFFICER:	BARRY WREN	TEL:	07841 271 872 / 88145
JOB TITLE:	HEAD OF NEW DIRECTIONS	E-MAIL:	<a href="mailto:Barry.wren@reading.gov.uk">Barry.wren@reading.gov.uk</a>

#### 1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 The report highlights the sustained improvement in outcomes and value for money that New Directions, the Council's adult learning and employment service, has delivered over recent years, including increased sustained positive destinations for learners.
- 1.2 It sets out plans in place for the service to further reduce costs over the next three years whilst maintaining the quality of service and positive outcomes for Reading residents.
- 1.3 The report outlines how the service is helping the Council to 'narrow the gap' for more disadvantaged residents and communities in line with the priorities of the Council as set out in the Corporate Plan.
- 1.4 The report highlights the significant added-value provided by New Directions, its partners and sub-contractors, including high quality volunteering opportunities, niche provision to meet the needs of vulnerable groups and helping to meet the skills needs of other Council services.
- 1.5 Appendices:
  - Appendix A: Success Data
  - Appendix B: Self-Assessment Report (SAR) Summary

#### 2. RECOMMENDED ACTION

- 2.1 That Committee notes the significant contribution New Directions is making to help narrow the gap for residents.



2.2 That Committee endorses the strategies in place to reduce costs whilst safeguarding the delivery and quality of services to Reading's more deprived and vulnerable communities as set out in paragraph 4.2 of the report.

### 3. POLICY CONTEXT

3.1 The Council has directly provided an adult learning offer for many years. Historically this offer was delivered by Reading Adult and Community College (RACC) based at Wilson Road in West Reading. In 2006 RACC was merged with the Training and Employment Advice (TEA) Shop, a service that had been established using Single Regeneration Budget (SRB) funding to support employability and employment for, primarily, low skilled adults struggling in the labour market. New Directions is the adult learning and employability service resulting from this merger. The new service then established a base in South Reading to better meet the needs of local communities in this area of greater need. Over subsequent years New Directions has become less of an institutionally based service and more of a peripatetic one targeting the needs of more vulnerable communities of interest and place across the Borough.

3.2 The service is grant funded (£1.2m per annum currently) by the Skills Funding Agency (SFA) to deliver a range of adult education both regulated (leading to qualifications) and non-regulated (not leading to qualifications). The current national SFA priorities for funding that are delivered by New Directions are:

English & Maths	The service offers a range of qualifications to around 500 learners per year; from small bite-sized awards through to Functional Skills and GCSE aims.
Employability	In partnership with the Department of Work and Pensions (DWP) the service offers a holistic course where learners address core skills such as basic IT, combating digital exclusion alongside specific employability topics to enable them to become more self-sufficient.
Learning for Work	<p>Focused in helping learners to acquire or refresh techniques to go back into work offering 14 different learning aims. The service also coordinates all work-experience placements with the Council.</p> <p>The service will lead on providing and co-ordinating Apprenticeships on behalf of the council once the Apprenticeship Levy goes live in April 2017.</p> <p>The service will commence delivery of Access to H.E. courses targeting Whitley and Church wards which feature the lowest social mobility nationally.</p>
Community Learning	Community Learning is a broad range of learning that brings together adults, often of different ages and backgrounds, to

	pursue an interest, address a need, acquire a new skill, become healthier or learn how to support their children.
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3.3 Nationally funding overall has reduced over recent years and provision which is not part of the above priorities has seen the biggest reductions. Fully-funded (free) learning options for learners aged 24+ are now limited to Maths and English, unless they're in receipt of Work Related Activity Group (WRAG) benefits. An increasing number of learners are expected to utilise learning loans to pay for their learning.

#### 4. THE PROPOSAL

##### 4.1 Current Position:

The service and its partners and sub-contractors provide a range of Information, Advice & Guidance (IAG) and learning opportunities across Reading and the service is responsible for the effective delivery and quality of all the provision it funds. Classes are delivered in four RBC owned centres (two designated learning centres in Caversham & Whitley and two shared premises: Central Library - 'Elevate Reading' hub and The Avenue) plus a wide range of neighbourhood venues such as Children's Centres, Southcote I.T. Experience and probation/bail hostels and schools across the Borough. This ensures high levels of accessibility across Reading's many and diverse communities. The service reaches around 5,000 individuals annually, the majority of whom are aged 19 plus. Typically learners attend classes between two and four hours per week and around 65% of learners are from the most deprived areas in Reading.

New Directions is unique because it works with those not catered for by mainstream educational provision (schools, colleges, Universities); the service doesn't turn someone away because it might mean academic results won't be the best. The learner as an individual is at the heart of everything the service delivers. Case studies of learners who have thrived with New Directions demonstrate that the sustained interventions offered deliver positive outcomes for many Reading residents, including employment and qualifications.

The service has around 90 (37FTE) highly skilled and qualified staff and also works with the voluntary and community sector to help increase capacity and reach learners who would not engage elsewhere. Reach exceeds local demographic profile across a range of characteristics, including ethnicity and disability. Experimental data published by the Department for Education (DfE) based on two academic years (2012-2014) learner data cross referenced against HM Revenue & Customs (HMRC) and DWP data showed 77% of learners had sustained positive destinations such as employment - an 8% increase on the previously reported figure.

The overall volume of provision below minimum standards thresholds has decreased. The majority of provision is in-line with or better than benchmarks with other providers. GCSE success rates in 2015/16 improved by 10% from the previous year, with more learners achieving grade C. Learner satisfaction is excellent. Independently verified learner satisfaction rates for regulated provision remain high at 95%. The score for non-regulated provision is 98%.

Approximately 75% of non-regulated learner numbers come from voluntary & community sector sub-contractors with a targeted offer or reach: WEA Reading

Branch, Graft Thames Valley, Together Working for Wellbeing (Reading Your Way), Readipop, Reading Community Learning Centre (RCLC), Berkshire Autistic Society (BAS), Mapis Project CIC and Compass Opportunities. This has increased participation levels amongst a number of more vulnerable communities and client groups.

The service and its partners and sub-contractors generated at least £559K of 'poundplus' (added value). For example, Ofsted highlighted the service's extensive use of volunteers, and their robust training to provide effective classroom support and described this as 'Best Practice'.

New Directions was inspected by Ofsted in December 2015 and received a grade 2 or 'good' judgement (the full Ofsted Report can be accessed via the following <http://reports.ofsted.gov.uk/provider/files/2539910/urn/54075.pdf>)

The service received a 'good' rating in all areas, including leadership and management, quality of teaching, personal development, learner outcomes and adult learning programmes. Key findings from Ofsted were that:

- Almost all learners completed their courses and achieved their learning aims; they grew in confidence and made good progress during their programmes and they developed good inter-personal and work-related skills.
- Leaders and managers have developed a good range of adult learning programmes that aligns closely with the council's strategic aims of 'narrowing the gaps' and matched local priorities and community needs well.
- The location of many learning centres in the most deprived areas of Reading was praised for ensuring the accessibility of courses. Thirty-one centres are located in children's centres and other community venues. The report went on to say: "The centres provide welcoming, safe environments where very diverse groups of learners can study and succeed."
- Leaders and managers have a particularly clear focus on supporting individuals to achieve their aspirations and in doing so, help learners to improve their own lives and of those in their local community.
- Learners take great pride in their work and recognise how their training improves their own and their families' lives by, for example, giving them the skills to help with a child's homework, pass a driving test or gain employment.
- Applicants receive very good, high-quality, impartial advice and guidance prior to and during enrolment.
- Learners also gain useful employment-related skills which helps prepare them well for volunteering and work placements.
- Those who speak English as a second language develop good English language skills and a very high proportion gain qualifications.

- A significant minority of learners progress from entry-level qualifications to higher levels and often become volunteers in the training centres and other community venues. Several have gone on to gain additional qualifications and been employed in children's centres.

Further external validation of the quality of the service has been successful re-accreditation for the rigorous Matrix Standard in February 2016, ratifying the high standard of Information, Advice and Guidance (IAG) provided and critically that services are consistent across the Borough. The service was also awarded 'Silver status' Fair train standard for its work experience placements in April 2015.

The service is now delivering more fee paying courses which will not be subject to the SFA funding grant and therefore will not be in scope of Ofsted. This has increased fee income and is a more efficient delivery model that is better and less bureaucratic for participants whilst also reducing delivery costs.

The service has increased volumes of non-direct delivery, for non-regulated learning, within the Council and voluntary and community sector building on existing relationships where quality standards have improved and there is on-going commitment to upskilling staff.

To further evidence the local impact of Adult Learning a third party supplier was commissioned to carry out 'Outcomes and Destinations' tracking for all beneficiaries to capture more robust and detailed information. The results showed that in addition to positive destinations learners reported:

- More confidence - 75%
- Developed clear goals and ambitions - 35.1%
- Increased confidence about work prospects - 34.8%
- Developed new friends and interests - 30.6%
- Able to study more independently - 30.1%
- Improved health and wellbeing 28%

#### 4.2 Options Proposed

As demonstrated by the Ofsted assessment that the service is 'good' across all aspects of its provision, New Directions has over recent years demonstrably improved the targeting and consistent quality of its offer whilst significantly reducing costs. Going forward the service will seek to maintain the quality of its offer and the outcomes for residents that it achieves whilst also:

- Diversifying its funding base to reduce vulnerability to Government reductions in or changes to skills (SFA) funding;
- Further integration with other Council services and initiatives to add value and resources;
- Developing the service offer in-line with the Council's priorities and the need to deliver improved outcomes for Reading's residents within financial constraints.

The service will undertake a staff consultation in January-February on an organisational restructure to continue to ensure its resources are effectively deployed and it can respond to delivering new provision such as Access to Higher Education (H.E.) programmes focused in high needs wards (Whitley and Church)

where too few (the lowest nationally) progress to H.E. This has proved to be a successful approach to improving outcomes in other areas of the country and whilst learners need to take out loans to access provision, if they are successful in progressing to H.E then the loans do not have to be paid back.

New Directions will deliver all its 'Community Learning' non-direct delivery, for non-regulated learning via the library service and community sector further building on existing relationships where quality standards have improved and there is on-going commitment to upskilling staff.

The service will lead on the Council's 'Employer-Provider' approach to delivering apprenticeships following the introduction of the Apprenticeship Levy in April 2017 working closely with the Learning and Development Team. The service will directly deliver some apprenticeships and ensure that only good quality apprenticeship provision is purchased externally where this is required.

The service will continue to offer targeted provision underpinned with Maths and English skills such as classes to support Universal Job-match, Universal Credit, Personal Budgeting and Digital Inclusion.

The service will consolidate its operations to a single site in South Reading to provide accessibility and outreach capacity in what is, overall, the Borough's area of greatest skills needs. This consolidation forms part of the Council's wider asset rationalisation and will contribute to linked savings and efficiency targets. Following the closure of the current Caversham Centre in Summer 2017, New Directions will continue to deliver courses in Caversham utilising other venues, such as Emmer Green, in-line with its broader strategy to ensure accessible provision right across the Borough.

The service will continue to have a role in the quality improvement of Children's Centres to ensure that they provide a consistent and quality assured wider family learning programme. This will include the continued upskilling of staff leading learning activities.

To continue to evidence the positive local impact of Adult Learning a third party supplier will carry out 'Outcomes and Destinations' tracking for all 2015-16 beneficiaries to continue to capture more robust and detailed information and data.

#### 4.3 Other Options Considered

Adult learning and employability services are non-statutory and the Council could decide to either withdraw from providing these services or contract out all provision. As outlined above the service is a niche provider delivering excellent outcomes for many of Reading's more vulnerable communities. It achieves this through a balance of direct delivery and sub-contracting to other voluntary sector providers to increase reach whilst securing appropriate quality standards across all of this provision. As a Council service it is also better placed to integrate with and help provide resources for other Council services and initiatives, for example Apprenticeship Levy, Children's Centres, work experience, Elevate and 'Troubled Families'.

### 5. CONTRIBUTION TO STRATEGIC AIMS

#### 5.1 Providing the best life through education, early help and healthy living

65% of the service's part-time learners come from the most deprived parts of the town. The service works with Children's Centres to co-fund their universal activities, fully-fund and deliver targeted learning opportunities such as English, Maths and Employability qualifications and by providing funding for childcare to help remove barriers to engagement. Example partnership projects include targeting parents whose children are not meeting expected attainment levels by working with them to support their children's learning.

## 5.2 Safeguarding and protecting those that are most vulnerable

The service offers a Universal programme which supports soft outcomes such as health and wellbeing, confidence and reduced isolation. Targeted support includes Adults with learning difficulties and or disabilities, helping them to develop independent living skills. Birth preparation classes for expectant mums who do not speak English. Healthy eating classes focus on nutrition and budgeting. Project work includes working with families with multiple and complex needs, 50+ employment issues and careers advice. 100% of staff are safeguarding, prevent and equality & diversity trained.

## 5.3 Keeping the town clean, safe, green and active

The service provides classes at approved premises and probation. The service co-funds Reading Sport & Leisure (RSL) delivered activities which promote active lifestyles and wellbeing. The service continues to maintain an active cohort of volunteers who support learning. The service supports digitalisation by providing free IT user training at a range of venues. Working with other teams such as housing and trading standards to develop and accredit schemes such as tenant participation and selling alcohol responsibly. Projects working with troubled families with multiple and complex needs have prevented numerous housing crises. Food4Families are co-located with the service in Whitley.

## 6. COMMUNITY ENGAGEMENT AND INFORMATION

6.1 The service relies on effective community engagement and information to attract learners. It produces extensive and targeted marketing for its offer and also delivers at a range of venues across the Borough to afford access to all of Reading's residents. In particular the service works with a range of community partners to extend reach through the Reading Community Learning Network (RCLN). RCLN was first established in 2008 to begin addressing the government's vision 'New Challenges, New Chances'. RCLN consists of 39 members each providing targeted or specialist provision: Chrysalis foundation, Reading College, Museum of English Rural Life, Reading Museum, Graft Thames Valley, Readipop, Thames Valley Dyslexia Centre, Berkshire Autistic Society, Thrive, Newbury College, WEA branch, WEA Region, Reading Your Way, Earley Crescent Centre, Bracknell & Wokingham College, Spark education Trust, Age UK, Language Training Development Ltd, Learndirect, PeoplePlus, Maximus, Reading Sport & Leisure, Reading libraries, Catalyst Housing, Real Business Club, Reading Voluntary Action, Children's Centres (x5 clusters), Probation, Scout Enterprises, Purley Park Trust, West Berkshire ACL, Jelly, Utulivu, Indian Community Centre, Abi College, Drug & Alcohol team, Youth Service, Compass, Link Up (Mencap) and Reading Community Learning Centre.

Since inception, key achievements include:

- Multiple provider Adult Learning Guide for Reading;
- Multiple provider ESOL provision leaflet with 6 language translation;
- Delivered Community Learning to over 2,700 learners each year;
- 57 staff achieved teaching/assessing qualifications;
- Worked with over 200 volunteers.

## 7. EQUALITY IMPACT ASSESSMENT

7.1 The service has narrowed the achievement gap between Men and Women which was identified in 2014-15 and its reach exceeds local demographic profile across a range of characteristics, including ethnicity and disability.

7.2 An Equality Impact Assessment is not relevant to this paper.

## 8. LEGAL IMPLICATIONS

8.1 The service is responsible for delivering the national entitlement of Maths and English qualifications to learners aged 19+ who have not yet achieved a GCSE grade C or above. The service has statutory responsibilities with regard to the Prevent Duty.

## 9. FINANCIAL IMPLICATIONS

9.1 The proposals outlined in paragraph 4.2 of this report will reduce core running costs whilst diversifying the range of funding streams supporting delivery.

9.2 The service is forecasting a budget neutral position for the 2017/18 financial year.

9.3 The service currently contributes £140K to other council service budgets; funding learning delivery in Children's Centres (Wider Family Learning e.g. Messy Play), Reading Sport and Leisure (Staying Active) and the Drug and Alcohol Team (DAAT), funding Childcare provision in Children's Centres, Avenue Centre Room hire, HR services, and Premises Costs. This is expected to increase to around £170K in 2016-17.

9.4 Over the last 7 years RBC's contribution to New Directions has reduced by around 65% alongside funding reductions of around 25% from the SFA contributions. The move within the Central Library into the 'Elevate Reading' hub has saved the service around £20k annually whilst still contributing an income stream to the Library service.

9.5 The service collects around £170k annually in course fees. The service also collects around £7k annually for room hire to community and not for profit groups.

## 10. BACKGROUND PAPERS

Too Important to be left to chance research report for the All Party Parliamentary Group for Adult Education (APPG) Inquiry into Adult Education:

[http://www2.warwick.ac.uk/fac/soc/ier/research/adult\\_education/dh\\_adult\\_education\\_full\\_report.pdf](http://www2.warwick.ac.uk/fac/soc/ier/research/adult_education/dh_adult_education_full_report.pdf)

Manifesto for Adult Learning in the 21<sup>st</sup> Century: <http://www.eaea.org/media/policy-advocacy/manifesto/manifesto.pdf>

Valuing the Impact of Adult Learning Report:  
[http://shop.niace.org.uk/media/catalog/product/v/a/valuingimpact\\_web\\_1.pdf](http://shop.niace.org.uk/media/catalog/product/v/a/valuingimpact_web_1.pdf)

Community learning: government funding:  
<https://www.gov.uk/government/collections/community-learning-government-funding>



Appendix A - Success Data

Learning Category	2014-15			2015-16			Trend
	Number of 19+ learners	Success %	Provider Group Benchmark %	Number of 19+ learners	Success %	Provider Group Benchmark %	
Award	303	80.8	86.4	260	73.8	88.2	↓
Basic Skills Maths and English	411	80	72.4	445	72.6	74.7	↓
Certificate	62	82.8	84.7	46	84.8	84.9	↑
Diploma	37	71.4	82.8	5	40	84.5	↓
ESOL	250	79.4	84	142	78.9	84.5	→
GCSE Maths and English	78	78.2	80.9	99	88.9	82	↑

*NB: The methodology for minimum standards calculations was changed for 2014-15 which means it is not possible to present a three year trend.*

## Appendix B - Self Assessment Report (SAR) Summary

### New Directions overview (At a glance Self-Assessment)

Local authority

	2014-15	2015-16
Overall Effectiveness	Good	Good
English & Maths	Good	Good
ESOL	Good	Good
Learning for Work	Good	Good
Community Learning	Good	Good
Non-direct delivery	Good	Good

#### Overall Judgements

New Directions Key Strengths	Supporting Evidence
<ol style="list-style-type: none"> <li>Improvement on GCSE success</li> <li>Learner satisfaction is excellent</li> <li>Information, Advice and Guidance (IAG) is effective and well embedded across the service</li> <li>Provision is well planned and accessible.</li> </ol>	<ol style="list-style-type: none"> <li>GCSE success rates are now above benchmarks with 88.9%</li> <li>The FE Choices score for Community Learning improved to 9.1 out of 10</li> <li>The whole service maintained its Matrix standard approval in February 2016</li> </ol>
<b>New Directions is not outstanding because:</b>	
<ol style="list-style-type: none"> <li>Success rates are not consistently above benchmarks</li> <li>Success rates have not improved to the same extent across all levels - Level 2 Functional Skills is lowest</li> <li>Standards of teaching are not consistently outstanding</li> <li>ICT P&amp;Ps are not promoted enough across the whole service and E-safety is not routinely embedded in lesson.</li> </ol>	
<b>Focus for improvement - will start the new Quality Improvement Plan (QIP)</b>	
<b>Outcomes for learners:</b>	<b>Quality of Teaching, Learning &amp; Assessment:</b>
<ol style="list-style-type: none"> <li>Improve Level 2 results in English</li> <li>Monitor gaps in achievement of E3-L1 and implement strategies to improve success</li> <li>Analyse and address gap for minority groups</li> <li>Improve Diploma and Award success rates</li> <li>Improve standards of reading and writing in English at Level 1 and Level 2</li> <li>Introduce a more robust data recording and collection of learner information in the Learner support area.</li> </ol>	<ol style="list-style-type: none"> <li>Improve the purposeful use of ICT to enhance learning across all areas.</li> <li>Focus on developing critical grammar aspects and spelling in the English area.</li> <li>Monitor trends of ungraded Observation of Teaching Learning and Assessing (OTLAs) and continue the implementation of the developmental side to raise standards across the service.</li> <li>Consolidate the introduction of ungraded observation in Subcontracted provision and continue monitoring and recording the impact of ungraded OTLAs</li> </ol>
<b>Personal Development, Behaviour and Welfare (PDBW):</b>	<b>Effectiveness of Leadership &amp; Management:</b>
<ol style="list-style-type: none"> <li>Review the Dyslexia offer to include: strategies to cope with everyday tasks, improve diagnostic assessment, reporting of results to learners to be more age appropriate, i.e. without reading 'age band'.</li> <li>Improve communication with tutors on how to access the Dyslexia support team and courses.</li> <li>Improve promotion of E-safety and ICT policies and procedures amongst tutors and learners</li> <li>Improve identification and timely offer of effective support for learners.</li> <li>Further promote e-safety across the service to be fully embedded in every area.</li> </ol>	<ol style="list-style-type: none"> <li>Complete and further implement the ICT and online safety policies and procedures.</li> <li>Improve recording of Safeguarding incidents outcomes</li> <li>Increase staff participation in the Self-Assessment process to make it more inclusive.</li> <li>Develop a more critical writing style of the SAR to make it more critical and evaluative supported by timely and accurate data.</li> <li>Increase participation of Governance to include broader representation and improve consistency of attendance.</li> <li>Fully implement ungraded OTLAs in the sub-contracted provision.</li> <li>Develop a robust Apprenticeship provision for Reading Borough Council staff.</li> <li>Research and develop a robust Access to HE provision focusing in two most deprived wards in Reading (Whitley and Church).</li> <li>Fully implement the new C&amp;G ESOL offer with enough flexibility to make it suitable to different communities in Reading.</li> </ol>

## Outcomes for learners

- ND has good provision and outcomes for learners are good. Most of the provision under the different qualification types is maintained above the Minimum Standards Threshold (MST), with GCSE (English and Maths) achievement raising to 88.9%, a 13.9% above MST and a 10% increase compared to ND own results in 2014-15. Two qualification types are below MST, Award (73.8%) and Diploma (40%); however in both cases the concerns have been identified and intervention put in place to make sure processes are robust, learners' registrations timely and data reporting accurate. (See *appendix 1, Charts 1 and 2*)
- Historically, learners in the Fashion Diploma, were allowed to continue the course after their expected completion date, which adversely affected the success rates for this qualification type. The newly appointed manager identified the issue and offered the tutor opportunity to undertake an assessor qualification. This support offered led to a better identification of learners' gaps and the consequent implementation of effective measures to help learners complete their course, which in some cases wasn't in a timely manner leading to the lower success rate of 40%. However, as a result of these changes, the diploma in fashion gained Direct Claim Status (DCS) after a very successful visit from the External Verifier (EV) from City and Guild who commented on the good teaching and assessing and the high standard of the learners' work. Following the EV's recommendation, the Curriculum Lead has reviewed the fashion offer and the Diploma qualification will be replaced with smaller Award qualifications in 2016-17.
- The overall achievement for the Award category shows as 73.8%, although this is an accurate overall percentage, the data is made up of some very successful and some unsuccessful programmes, the average of which presents an overall percentage which is below the MST. For example, the Employability award with a total of 127 learners shows a good overall achievement of 80%. Managers prompt response to Ofsted recommendations of changing the offer from Level 1 (with a 74.35% success) to Entry 3 (84% success) brought an improvement in the delivery model and made the provision better suited to the needs of the learners attending this mandated course. This improvement in provision has also been acknowledged by City and Guilds in their last External Quality Assessor (EQA) visit.
- However, the success rate of a pilot in Customer Service Level 1 Award, is 58%, bringing down the overall percentage of achievement within the Award programme. This course was introduced to support the Council-wide Employability Pathways Strategy, and although the majority of learners successfully moved into work placements and/or employment showing good progression, the success rates of the qualification suffered as those learners left the course before being able to complete it.
- ND encourages learners to progress from English, Maths and ESOL onto other accredited courses such as Childcare; this enables learners to extend their learning into areas they might not have considered, increasing their life chances. Learners in Community Learning courses are encouraged to progress onto further accredited courses and are offered IAG sessions to support them to find the relevant course for their needs.
- There has been an improvement in the participation of learners completing the ND' End of Learning evaluation feedback form, with 658 respondents (589 in 2014-15). 67.16% of learners stated that their learning had helped in their work, 25.49% moved into employment, and 88.71% planned on continuing their learning. (*Appendix 4, Charts 1-5*)
- The FE Choices Community Learning Satisfaction Survey shows that 37% of learners feel they are more likely to progress onto further learning as a result of attending their course than originally intended at the beginning which showed only an 18%. And 18% of learners feel they are more likely to get a job or progress at work.
- The recording of Learner destinations has improved following outsourcing to an external company to allow for a more effective following and recording of learners' journey and destinations. 72% of all learners enrolled across the whole of ND' provision during 2015-16 were contacted with 60% (1168 learners) completing a telephone survey; 40% (764 learners) could not be contacted due to unrecognised numbers, wrong number or because the numbers constantly rang out.
- A total of 655 learners enrolled in Adult skill courses, 396 learners (56%) were contacted, of those contacted, 74% completed the survey (273 learners) showing that 31.1% progressed into paid employment of over 16 hours per week or more; 16.1% were in education and 0.4% went onto an Apprenticeship. (*see Appendix 6, Chart 1*)
- In the Community Learning area out of 2028 taking a course, 1563 were contacted (77%) and 57% (895 learners) completed the telephone survey. The survey shows that from those who completed the survey, 34.7% progressed into employment. (*see Appendix 6, Chart 2*)