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County Offices
Newland
Lincoln
LN1 1YL

22 December 2016

Executive

A meeting of the Executive will be held on <u>Wednesday</u>, 4 January 2017 in Committee Room One, County Offices, Newland, Lincoln LN1 1YL at 10.30 am for the transaction of business set out on the attached Agenda.

Yours sincerely

Tony McArdle Chief Executive

Membership of the Executive (8 Members of the Council)

Councillor M J Hill OBE, Executive Councillor for Governance, Communications, Commissioning, Finance and Property (Leader of the Council)

Councillor Mrs P A Bradwell, Executive Councillor for Adult Care, Health and Children's Services (Deputy Leader)

Councillor C J Davie, Executive Councillor for Development

Councillor R G Davies, Executive Councillor for Highways, Transport and IT

Councillor R A Shore, Executive Councillor for Waste and Recycling

Councillor Mrs S Woolley, Executive Councillor for NHS Liaison and Community Engagement

Councillor C N Worth, Executive Councillor for Culture and Emergency Services

Councillor B Young, Executive Councillor for Community Safety and People Management

EXECUTIVE AGENDA WEDNESDAY, 4 JANUARY 2017

Item	Title	Forward Plan Decision Reference	Pages
1	Apologies for Absence		
2	Declarations of Councillors' Interests		
3	Announcements by the Leader, Executive Councillors and Executive Directors		
4	Minutes of the Meeting of the Executive held on 20 December 2016		5 - 10
	DECISIONS - ITEMS TO BE RESOLVED BY THE UTIVE		
5	Better Care Fund Narrative Plan 2017/18 - 2018/19 (To receive a report from the Executive Director Adult Care and Community Wellbeing, which sets out the issues, seeks approval, in principle, to certain principles to be reflected in the Better Care Fund (BCF) submission and delegates to the Executive Director, in consultation with the Executive Councillor for Adult Care, Health and Children's Services, the approval of the final BCF Plan for submission)	I012690	11 - 26
6	Citizens Advice Lincolnshire (To consider a report from the Executive Director for Environment and Economy, which seeks approval, in principle, to the continued award of grant funding to Citizens Advice Lincolnshire)	I012665	27 - 34

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Please Note: for more information about any of the following please contact the Democratic Services Officer responsible for servicing this meeting

- Business of the meeting
- Any special arrangements
- Copies of reports

Contact details set out above.

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EXECUTIVE 20 DECEMBER 2016

PRESENT: COUNCILLOR M J HILL OBE (LEADER OF THE COUNCIL)

Councillors Mrs P A Bradwell (Executive Councillor for Adult Care, Health and Children's Services) (Deputy Leader), C J Davie (Executive Councillor for Development), R G Davies (Executive Councillor for Highways, Transport and IT), R A Shore (Executive Councillor for Waste and Recycling), Mrs S Woolley (Executive Councillor for NHS Liaison and Community Engagement), C N Worth (Executive Councillor for Culture and Emergency Services) and B Young (Executive Councillor for Community Safety and People Management).

Councillors P J O'Connor (Chairman of the Overview and Scrutiny Management Committee), R B Parker and A H Turner MBE JP were also in attendance.

Officers in attendance:-

Tony McArdle (Chief Executive), Debbie Barnes (Executive Director, Children's Services), David Forbes (County Finance Officer), Glen Garrod (Executive Director, Adult Care and Community Wellbeing), Cheryl Hall (Democratic Services Officer), Judith Hetherington Smith (Chief Information and Commissioning Officer), Pete Moore (Executive Director Finance and Public Protection), Jasmine Sodhi (Performance and Equalities Manager), Nigel West (Head of Democratic Services and Statutory Scrutiny Officer) and Richard Wills (Executive Director, Environment and Economy).

37 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Mrs A M Newton.

38 DECLARATIONS OF COUNCILLORS' INTERESTS

There were no declarations of interests made at this point in the proceedings.

39 <u>ANNOUNCEMENTS BY THE LEADER, EXECUTIVE COUNCILLORS AND EXECUTIVE DIRECTORS</u>

The Executive Councillor for Community Safety and People Management advised that the Lincolnshire Police and Crime Panel at its meeting on 19 December 2016 had appointed Mr B Skelly to the role of Lincolnshire Police Chief Constable, as recommended by the Lincolnshire Police and Crime Commissioner. Mr Skelly would take up the position from February 2017.

40 <u>MINUTES OF THE MEETING OF THE EXECUTIVE HELD ON</u> 1 NOVEMBER 2016

RESOLVED

That the minutes of the Executive held on 1 November 2016 be agreed and signed by the Chairman as a correct record.

41 COUNCIL BUDGET 2017/18

Consideration was given to a report from the Executive Director of Finance and Public Protection, which sought approval of the budget proposals for 2017/18, as detailed within the report, as the preferred option for the purposes of further consultation. Additional information was tabled at the meeting, which covered an update to the Council Budget 2017/18; the Community and Public Safety Scrutiny Committee budget workshop comments; and comments from the Overview and Scrutiny Management Committee on the financial standing of the County Council.

The County Finance Officer introduced the report to the Executive and in doing so, advised Members that the report described the basis on which the proposals had been developed for the purposes of internal and external consultation. The Executive was also asked to delegate authority to the Leader to review the Council's participation in a business rates pooling arrangement with six of the Lincolnshire District Council's (Boston Borough; City of Lincoln; East Lindsey; North Kesteven, South Kesteven and West Lindsey) in light of the Provisional Local Government Settlement and notify the Government four weeks after the notification of the Provisional Local Government Finance Settlement.

The report set out a one-year financial plan for revenue and capital budgets. It was noted that for the third year running the Council was only able to set a one-year budget. Members were advised that this was due to the continued significant reduction in government funding, growing cost pressures from demand-led services, such as adult and children's social care, waste disposal and the Council's responsibility to pay staff and contractors the National Living Wage. The pressures faced by the Council meant that it was not practicable, at present, to develop sustainable long-term financial plans beyond the next 12 months.

All areas of service expenditure had been reviewed to identify cost pressures which must be funded and savings which could be made, through efficiencies and by reducing the level of services provided. The Council remained aware of its high priority areas, but no service had been exempted from helping the Council to deliver its savings target. The high priority areas were detailed on page 12 of the report.

On an annual basis the County Council had the opportunity to review the level of Council Tax. It was noted that central government set thresholds, above which a local authority would be required to hold a referendum for council tax increases. For 2017/18 it was proposed that this threshold would be 2.00%, plus a further 2.00% for authorities with Adult Social Care responsibilities to deal with pressures in this area including demographic pressures and the impact of the national living wage. It was

advised that a council tax increase of 3.95% (1.95% plus a further 2.00% for the social care 'precept') was proposed.

In developing the one-year financial plan for 2016/17 the Council had considered all areas of current spending, levels of income and council tax and use of one-off funding (including use of reserves and capital receipts) to set a balanced budget.

The Chairman of the Overview and Scrutiny Management Committee advised the Executive that seven of the Council's scrutiny committee's had received budget briefings by way of an informal workshop. The comments from those workshops were detailed at Appendix B to the report. The Chairman specifically highlighted that the Highways and Transport Scrutiny Committee had questioned whether one weed spray per year added value. It was also highlighted that the Value for Money Scrutiny Committee had raised concerns regarding the licensing costs for Microsoft.

Members were provided with an opportunity to ask questions, where the following points were noted: -

- It was noted that the Leader of the Council, or his Executive Support Councillor, had attended all of the scrutiny budget workshops to listen to the comments of the scrutiny committees;
- In response to the specific points highlighted by the Chairman of the Overview and Scrutiny Management Committee, as detailed above, it was noted that the County Council currently spent approximately £50k on weed control. It was confirmed that officers were currently exploring alternative options for weed control, however, these options were very limited. It was also noted that the cost of migrating to an alternative software platform would not have a substantial benefit, owing to the cost of additional training and migrating data; and issues with the functionality of alternative software platforms;
- It was unclear at this stage what impacts there would be on the County Council's services, including weed control, following the vote to leave the European Union;
- The changes to the Pension Contributions were discussed, where it was highlighted that the figure of £3.513m, as detailed on page 27 of the report, had been factored into the budget. Furthermore modest increases were expected to be incurred annually to 2019/2020;
- The changes to the New Homes Grant, following the announcement of the provisional Local Government Finance Settlement, were also discussed. It was noted that the New Homes Bonus Grant was £3.555m (previously £4.555m) for 2017/18. It was clarified that this change had reflected the reduction to the number of payment years for the New Homes Bonus from six years to five in 2017/18 with the funding released contributing towards the new social care grant;
- In the recent past an increase in the number of council taxable households, the tax base, had been around 2% in Lincolnshire. Nationally, the tax base had increased by 1.9%. This reflected the increase in the number of new properties being built in Lincolnshire;

4 EXECUTIVE 20 DECEMBER 2016

- The inclusion of the 'Lincolnshire Community Assistance Scheme local welfare support' on page 36 of the report should be removed, as this scheme had ceased to exist:
- It was noted that the Secretary of State in the provisional Local Government Finance Settlement had confirmed the referendum threshold for Council Tax would remain at 2.00%. He had also announced that the net increase in Social Care precept would remain at 6.00% over the next three years, however, local authorities would not be limited to an annual increase of 2.00%. It was clarified that local authorities could choose to increase this element of their precept by 3.00% in both of the next two years (2017/18 and 2018/19), but the total increase may be no more than 6.00% over the next three years. Further to this, it was stated that the Executive would continue with its proposals, as detailed within the report and not increase the adult care precept to 3% next year; and
- Although the County Council had faced significant funding pressures over recent years, it had maintained frontline services. However, Members recognised that further difficult decisions would have to be made to balance the County Council's budget in future years. It was agreed that it was thanks to prudent accounting, including the managing of reserves, which had meant the County Council could balance its budget.

RESOLVED

That the Executive:

- (1) agree the budget proposals, as described in the report, as its preferred option for the purposes of further consultation; and
- (2) delegate authority to the Leader to review the Council's participation in a business rates pooling arrangement with six of the Lincolnshire District Council's (Boston Borough, City of Lincoln, East Lindsey, North Kesteven, South Kesteven and West Lindsey) in light of the Provisional Local Government Settlement and notify the Government four weeks after the notification of the Provisional Local Government Finance Settlement.

42 <u>COUNCIL BUSINESS PLAN 2016/2017 PERFORMANCE REPORT, QUARTER TWO</u>

A report from the Chief Executive was considered, which presented an overview of performance for Quarter 2 against the Council Business Plan.

The Performance and Equalities Manager reminded the Executive that performance data could be viewed on the web in a secure area on the Lincolnshire Research Observatory.

It was reported overall that out of the 15 commissioning strategies reported in Quarter 2, eight had performed really well; five had performed well; and two had mixed performance.

Members were reminded that targets for 2016/2017 which had been published in the Council Business Plan in February 2016, were informed by the latest available performance information at the time of writing the plan (2015/2016 Quarter 2), with the following caveats: -

- (i) The targets were subject to change to reflect: -
 - 2015/2016 outturns;
 - Changes in the wider economy;
 - · Nature of demand; and
 - Consequences of any service reductions.
- (ii) The Council Business Plan would be reviewed as part of quarterly performance reporting with any proposed changes to reporting agreed by the Executive.

Members were advised that the relevant Executive Councillors had been consulted and recommendations for proposed changes to reporting were set out in Appendix A of the report.

In response to a question, Members were assured that the overall performance of the library service was as per the contract performance indicators, as detailed within the contract with Greenwich Leisure Limited (GLL). Further to this it was noted that the total number of interactions and the number of people visiting libraries had increased since GLL was awarded the contract. It was suggested that this was something that should be publicised.

It was noted that the Overview and Scrutiny Management Committee had considered a report on the *Quarter 2 performance against the Council Business Plan 2016/2017* at its meeting on 24 November 2016. It was also noted that the Committee had welcomed the report and had no additional comments to pass to the Executive.

RESOLVED

- (1) That the Quarter 2 performance 2016/2017 be noted.
- (2) That the proposed changes to reporting, as set out in Appendix A to the report, be approved.
- (3) That the proposals for presenting historical performance trends, as set out in Appendix B to the report, be noted.

The meeting closed at 11.15 am.



Agenda Item 5



Executive

Open Report on behalf of Glen Garrod, Executive Director Adult Care and Community Wellbeing

Report to: Executive

Date: **04 January 2017**

Subject: Better Care Fund Narrative Plan 2017/18 - 2018/19

Decision Reference: | **I012690**

Key decision? Yes

Summary:

Integration remains national policy and the Better Care Fund (BCF) was designed to help encourage and frame integration between health and adult social care across England.

Next year will be the third year of the BCF. In Lincolnshire the BCF represents a pooled budget total of £196.5m in 2016/17 of which £53.8m is the national allocation funded through the NHS.

If Lincolnshire is to secure BCF funding into the future it must again submit a BCF Plan the first draft of which is due to be submitted on 26 January 2017. That Plan and any subsequent funding will cover a two year period – 2017/18 and 2018/19.

The submission for and use of the BCF national allocation must be agreed by the five signatories which is the Executive of the County Council and the four CCGs, plus the Health and Wellbeing Board.

This report sets out the issues, seeks approval in principle to certain principles to be reflected in the BCF submission and delegates to the Executive Director for Adult Care and Community Wellbeing in consultation with the Executive Councillor for Adult Care, Health and Children's Services the approval of the final BCF Plan for submission.

Recommendation(s)

That the Executive

1 note the timetable for the making of the Better Care Fund (BCF) submission for 2017/18 and 2018/19 and the anticipated conditions set out in the Report including those in relation to Disabled Facilities Grants (DFGs)

2 approve the making of a BCF submission for 2017/18 and 2018/19

3 endorse the following principles as those that should guide the development of the BCF submission

- The scope and level of pooling to be commensurate with the BCF for 2016/17 with the addition of the pooled fund for community beds
- That the work carried out with District Councils in relation to the Housing for Independence Strategy form the basis of the submissions relating to DFGs
- Provided that the mandated minimum for protection of adult care amount for 2017/18 and 2018/19 is commensurate with the said amount for 2016/17, the Council accept the mandated minimum as the amount to be shown in the BCF submission as made available by the CCGs for the protection of adult care
- No contingency be provided against the financial consequences of underperformance against targets including targets for non-elective admissions and delayed transfer of care

4 approve the submission of a Lincolnshire application for pilot graduation status

5 delegate to the Executive Director of Adult Care and Community Wellbeing in consultation with the Executive Councillor for Adult Care, Health and Children's Services authority to approve the final form and the making of the BCF submission for 2017/18 and 2018/19 and the application for pilot graduation status to the Secretary of State on behalf of Lincolnshire County Council.

Alternatives Considered:

1. Not to pool any of the resources contained in the BCF submission

Formal pooling of the BCF minimum (£53.8m in 2016/17) is a requirement for the receipt of funding in the amount of that minimum and the making available of monies from the CCGs for the protection of adult care (£16.825m plus £0.3m one-off in 2016/17). Failure to pool the minimum requirement will mean this funding will not be received.

2. To pool only the minimum BCF requirement

The health and social care community has already indicated its ambition to 'pool' £197m of funding through previous rounds of BCF. This has allowed two Secretaries of State to highlight this matter in the national media as a point of success in that the national sum for the BCF is £3.9bn (2016/17 figure) but with local "top ups" is £5.8bn (2016/17 figure). To fail to 'pool' that sum now would give rise to significant reputational risk for the local health and social care community with the Department of Health and would signal a move away from integration at a time when this remains national policy. Initiatives of long standing within Lincolnshire already account for a large majority of the pooled funding and therefore the level of commitment to new pooling is limited.

Reasons for Recommendation:

The making of a BCF submission will secure BCF minimum funding for Lincolnshire and a mandated minimum for the protection of adult care expected to be some £15.9m. The reasoning behind the proposed principles is set out in the Report.

The making of an application for pilot graduation status will give Lincolnshire the opportunity to influence national thinking.

1. Background

History

Lincolnshire's existing pooled fund is the fourth largest in the country and this does help us to have some influence at national level. In Lincolnshire there is integrated commissioning of Learning Disability services, Child and Adolescent Mental Health Services (CAMHS) and Community Equipment Services. Following further negotiations in 2016 with Lincolnshire Community Health NHS Trust (LCHS) a further pooled budget for residential and nursing beds was agreed with an annual value of £2.7m. (See table below).

In addition there is an integrated Adult Mental Health service which is not a pooled fund but the budget for which is aligned within the overall BCF Pool alongside the CCG contract for Adult Mental Health Services.

The existing level of pooling (including the new LCHS Community Beds pooled fund) is set out in the following table:

S75 Agreement/contract	£m
Proactive Care s75	46.3
Community Equipment s75	5.8
CAMHS s75	5.4
Specialist Services s75	63.7
Corporate s75	4.0
	125.2
LCC Adult Mental Health s75 (aligned)	5.6
Adult Mental Health CCG contract (aligned)	63.0
2016/17 BCF Plan	193.8
LCHS Community Beds (see below)	2.7
Total	196.5

For reasons set out in the Alternatives Considered Section of this Report it is proposed that the Lincolnshire BCF submission for 2017/18 to 2018/19 should identify the scope and level of pooling set out generally within the above table.

The BCF national funding must be used to maintain a minimum amount to protect adult social care. It should be noted that the financing for adult care in 2015/16 and 2016/17 has represented a higher level of protection from the NHS than was prescribed – some £6m more. This is unusual when compared to the majority of Councils elsewhere.

Proposals for financing in 2017/18 to 2018/19 are dealt with later in this Report.

BCF 2017/18 and 2018/19

There are a number of – by now – familiar requirements for the BCF that will need to be incorporated into the Lincolnshire submission. These include the same formal signatories and a similar process as in 2016/17 for approving BCF submissions. A nationally prescribed minimum level of protection from the NHS to adult care will also be repeated. However, there will be a number of significant changes that affect the BCF submission for Lincolnshire in 2017/18:

- 1. The BCF will now cover a two year period 2017/18 and 2018/19.
- 2. The funding for the BCF will be channelled through two different routes. The familiar NHS route which represents £53.8m (2016/17 figure) in Lincolnshire and a new route direct from central to local government via a Section 31 payment. This new route represents the growth in the overall BCF and in Lincolnshire will mean an additional £2.1m in 2017/18, £12m in 2018/19 and £10m in 2019/20. In total the national BCF allocation will grow by £25m by the end of the decade.
- 3. There are eight national conditions related to the BCF in 2016/17 that must be addressed. For 2017/18 three national conditions will remain and an overall 'lighter touch' BCF document process.
- 4. NEA and DTOC will remain a national condition and this is largely because the national performance on both is the worst that has ever been recorded and further deteriorating.

Performance

As a minimum the BCF must be used to address a number of areas of performance – most notably non-elective admissions (NEA) and delayed transfers of care from hospital – acute and non-acute (DTOC).

The picture in Lincolnshire with respect to these key areas of NHS and social care performance does not reflect the national picture. Here our 'stretch target for non-elective admissions is a 2.7% reduction and in the first six months (April to September) a reduction of 1.6% has been achieved. The South CCG has overachieved against the target, the West and East have both achieved reductions, and the South West CCG has seen a significant increase.

For DTOC there are 33 local systems that have been identified for Ministerial intervention where DTOCs are above 8%. Lincolnshire is not on that list and again – at least for Adult Care local performance suggests we are improving, not deteriorating. The DTOC comparison for Adult Care is 22% against a national figure of 34.9%. (See below).

The table shows the steady increase in national DTOC numbers, and that at October 2016 numbers are higher than at any time. The year on year comparison for Lincolnshire is of a 5% reduction since October 2015.

Date	NHS	Social Care	Both	Total	% DTOC attributable to social care
Oct - 16	114,586	69,798	15,624	200,008	34.9%
Sep -16	113,354	67,594	15,298	196,246	34.4%
Sep -15	91,492	45,570	10,676	147,738	30.8%
Sep -14	93,123	35,664	9,480	138,267	25.8%
Sep -13	80,536	31,606	6,722	118,864	26.6%
Sep -12	74,838	32,518	6,908	114,264	28.5%
Sep -11	72,291	36,948	7,955	117,194	31.5%

The following table indicates the growing pressure on emergency admissions. Numbers have increased annually since 2010, with growth over this period of 56,768, an increase of 13%.

Period	Total Emergency Admissions via A&E	Other Emergency Admissions (i.e not via A&E)	Total Emergency Admissions
Oct-10	311,497	124,718	436,215
Oct-11	312,211	122,869	435,080
Oct-12	323,011	123,292	446,303
Oct-13	325,621	124,010	449,631
Oct-14	343,988	125,280	469,268
Oct-15	351,182	128,805	479,987
Oct-16	363,309	129,674	492,983

Disabled Facilities Grants (DFGs)

In 2016/17 Disabled Facilities Grants (DFGs) were included in the BCF allocation and in consequence have become a much higher profile topic. In two-tier areas there is a degree of added complexity because District Councils are responsible for them. The predicted growth in the DFG 'pot' is substantial, rising from £4.884m in 2015/16 to £7.1m in 2019/20. It is expected that national guidance will require the DFG to be pass-ported 'in full' to Districts though a plan for its use must be agreed by all BCF signatories – to better meet health, social and housing need. So, 12 organisations in Lincolnshire will be required to agree a plan.

During 2016 a considerable amount of work has been underway to secure a level of consensus with all parties to a 'Housing for Independence' strategy. The attached (Appendix A) represents the essential elements of what that will mean in 2017/18 – as a starting point - and has been agreed with senior officers from the seven District/City Councils. A Memorandum of Understanding will be required to ensure that the promised changes, activity and performance are addressed in order that funding can be allocated.

It is proposed that this Housing for Independence work form the basis for the elements of the BCF submission that relate to DFGs.

Financing issues

In 2015/16 Adult Care received £20m from the BCF for the protection of Adult Care. This was £4.6m above the minimum requirement of £15.4m. In 2016/17 the amount received was £16.825 plus an additional £300k (one-off). This was £1.4m above the minimum requirement of £15.7m. Overall £6m more has been received by the Council than was mandated.

In 2017/18 the minimum requirement for the protection of Adult Care is expected to be £15.9m.

In the last 12 months the financial state of the NHS both nationally and locally has become clear and represents a significant deficit. Additionally, future BCF funding is being split and additional sums for the protection of adult care is being routed from central government direct to Councils (though still part of the BCF pool locally). NHSE Regional Directors now instruct CCGs to apportion only the minimum sums required and as such CCGs have less discretion – should they choose to use it – to allocate sums over and above the mandated minimum.

Accordingly there is a recommendation that the Council accepts the mandated minimum for the BCF for the protection of Adult Care.

The table below describes what nationally the BCF protection for adult care sum has been used for.

BCF 2016/17 Spend		Nationally	East Midlands	Lincolnshire
Capital spending (e.g. DFG not Care Act)	(£m)	22%	22%	22%
Care Act Duties (including Capital spending)	(£m)	8%	8%	9%
For new or additional adult care services	(£m)	7%	5%	11%
Toa avoid cust in existing adult care services	(£m)	55%	57%	38%
To cover adult care demographic pressures	(£m)	8%	8%	20%
Total Protection of Adult Care	(£m)	100%	100%	100%

A review of schemes funded by the BCF in Lincolnshire has been undertaken – as was the case in the previous two years and it is recommended that £900k of the available additional BCF allocation is used to cover the ongoing costs of these services. The remainder to be used to help cover the extra costs of a rise in the National Living Wage from April 2017, recent changes to employment law relating to night-time sleep-in arrangements and the existing pressure to meet Deprivation of Liberty safeguards (DOLS).

It is also recommended that further discussion is held once the new Administration is formed after May 2017 with respect to the growth in BCF funds from 2018/19.

Contingency

In the previous two BCF plans a contingency sum was set aside either because it was a requirement in the BCF (2015/16) or to help mitigate the effect of underperformance against NEAs. In 2016/17 the contingency was £3.6m. The national guidance for 2017/18 is expected to include no requirement for a contingency sum. As such, officers from both the NHS and the Council have recommended that no contingency is created for 2017/18. In part this is driven by the knowledge that all available funds will be committed to achieving the necessary performance. It also reflects the recommendation that the Council accept the mandated minimum protection for Adult Care.

Integration Plans and Graduation Pilot

Finally, in November 2015 the then Chancellor announced that all local health and care systems in the country would be required to have integration plans by March 2017. The new language for integration is 'graduation' and the Government is seeking a small number of local systems to pilot 'graduation plans'. Whilst the incentives to become a pilot are not significant the opportunity to influence national thinking is considered worth the effort and as such officers are recommending that Lincolnshire makes an application to become a graduation pilot.

The deadline for expressing an interest is 4 January 2017. In order to keep the Council's options open the Executive Director of Adult Care and Community Wellbeing has, on a non-binding basis, expressed an interest in becoming a graduation pilot. Approval is sought to pursue pilot status by completing the required 'application form' with authority to the Executive Director of Adult Care and Community Wellbeing in consultation with the Executive Councillor for Adult Care, Health and Children's Services to approve the submission of a formal application.

Next Steps

The timetable for the BCF submission is very tight and with national guidance delayed until late December the turnaround time is challenging. It is therefore necessary to seek as much delegated decision-making as possible. This has already been agreed by the four CCGs and the Health and Wellbeing Board. The Executive is therefore asked to delegate decision-making powers to the Executive Director for Adult Care and Community Wellbeing in consultation with the Executive Councillor for Adult Care, Health and Children's Services.

The timeline below describes the expected BCF submission process.

BCF Planning Requirements; Planning Return	Late December 2016
template, BCF Allocations published	
Submissions from places that wish to graduate	4 January 2017
First BCF submission from HWB (agreed by CCGs	26 January 2017
and LCC) to consist of:	
Draft narrative	
 High Level BCF planning return 	
Scrutiny of BCF plans by regional assurers	26 January – 10 February
	2017
Moderation and cross regional calibration	13 – 15 February and
	W/C 20 February 2017
Second submission following assurance and	10 March 2017
feedback, to consist of:	
 Revised BCF planning return 	
Revised Narrative Plan	
Scrutiny of BCF plans by regional assurers	10 – 20 March 2017
Moderation and cross regional calibration	22 - 28 March 2017
Assurance status of draft plans confirmed	31 March 2017
All S75 agreements to be signed and in place	31 May 2017

As in previous years, many of the contractual arrangements that underpin the BCF pooling are already in place and have durations that span the period of the BCF Plan. Any changes to such arrangements will be caught by the individual change control provisions contained in those agreements.

However, some changes to the existing contractual framework will be required to give effect to the BCF submission where existing agreements come to an end in March 2017. This includes the Corporate and Proactive section 75 Agreements and the Framework Agreement. It is envisaged that any required approval to these documents will be sought at the March meeting of the Executive.

2. Legal Issues:

Equality Act 2010

Under section 149 of the Equality Act 2010, the Council must, in the exercise of its functions, have due regard to the need to:

- * Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act
- * Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- * Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The relevant protected characteristics are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation

Having due regard to the need to advance equality of opportunity involves having due regard, in particular, to the need to:

- * Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic
- * Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it
- * Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low

The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities

Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to tackle prejudice, and promote understanding

Compliance with the duties in section 149 may involve treating some persons more favourably than others

The duty cannot be delegated and must be discharged by the decision-maker. To discharge the statutory duty the decision-maker must analyse all the relevant material with the specific statutory obligations in mind. If a risk of adverse impact is identified consideration must be given to measures to avoid that impact as part of the decision making process.

Generally all of the services which are delivered under any of the agreements that are covered by the Partnership Framework Agreement approach directly impact on people with a protected characteristic particularly elderly people and young people and people with a disability. The proposals set out in this report which relate to the financial, organisational and contractual structures that will be put in place between the Council and the CCGs as commissioners of service are not considered to directly impact.

It is at the level of changes to service that the greater potential for impact arises. The potential impact of any changes which form part of the BCF submission on people with a protected characteristic will be the subject of detailed analysis prior

to their implementation so that the appropriate mitigation strategies can be put into effect.

<u>Joint Strategic Needs Analysis (JSNA and the Joint Health and Wellbeing Strategy</u> (JHWS)

The Council must have regard to the Joint Strategic Needs Assessment (JSNA) and the Joint Health & Well Being Strategy (JHWS) in coming to a decision.

These underpin the BCF and the ways in which the BCF has been developed in accordance with the Joint Strategic Needs Analysis and the Joint Health and Wellbeing Strategy will be detailed in the final BCF submission.

Crime and Disorder

Under section 17 of the Crime and Disorder Act 1998, the Council must exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment), the misuse of drugs, alcohol and other substances in its area and re-offending in its area

The BCF through its improvements in integration between health and care can lead to improvements in the co-ordination and delivery of services such as has already occurred in the field of mental health, learning disability and community equipment services. Some of these services and in particular mental health provide support to individuals to manage behaviours that might on occasion be criminal or antisocial.

3. Conclusion

The timetable for the preparation and submission of the Better Care Fund is exceedingly compressed. This paper and the proposals within it will assist the Council in making a quality submission within the required national timeframes.

4. Legal Comments:

The Council has the power to make the Better Care Fund submission for 2017/18 and 2018/19 on the basis of the principles set out in the Report.

The proposal is consistent with the Policy Framework and within the remit of the Executive if it is within the budget.

5. Resource Comments:

This paper seeks to provide an update on plans for the Better Care Fund (BCF) submission in 2017/18. Integration remains national policy with the BCF designed to encourage integration between health and adult social care across England.

The funding for the BCF will come via two routes, the first being via Clinical Commissioning Groups which represents £53.8m in Lincolnshire and also from a Section 31 payment totalling £2.1m in 2017/18, £12m in 2018/19 and £10m in 2019/20. In total the national BCF allocation will grow by £25m by the end of the decade. A significant proportion of this funding continues to be used to protect existing Adult Care services in Lincolnshire.

6. Consultation

a) Has Local Member Been Consulted?

Not applicable

b) Has Executive Councillor Been Consulted?

Yes

c) Scrutiny Comments

Adults Scrutiny Committee will receive a report at the meeting on 11 January 2017, their comments will be addressed in the second submission due in March 2017.

d) Have Risks and Impact Analysis been carried out?

Equality Act impacts are addressed in the body of the Report.

The Framework Agreement and individual section 75 Agreements have risk management processes associated with them. The risk in relation to non-performance against performance targets is addressed in the Report. In the event that there is no contingency the financial risk will fall on the CCGs.

e) Risks and Impact Analysis See above

7. Appendices

These are listed below and attached at the back of the report.

Appendix A - Lincolnshire's approach to DFG for 2017/18 and 2018/19 report to Joint Commissioning Board on 22 November 2016.

8. Background Papers

The NHSE Integration and BCF Planning Requirement for 2017 – 2019. The BCF Submission 2016.

This report was written by David Laws, who can be contacted on 01522 554091 or David.Laws@lincolnshire.gov.uk.



Report on behalf of Tony McGinty, Interim Director of Public Health

Report to Joint Commissioning Board

Date: **22 November 2016**

Subject: Lincolnshire's Approach to DFG for 2017/18 & 2018/19

Summary:

This report provides the Joint Commissioning Board with an update on Lincolnshire's plans for the maintenance and modernisation of our approach to housing as a key component in the health and care system.

It proposes an approach over the coming two years that has been agreed with the seven district housing authorities and the County Council.

Actions:

The Board is asked to consider and comment on the information contained in this report, and agree recommendations.

Background and Context

Appropriate housing is a key factor in determining whether an individual can maximise their independence in the community and avoid the need for, or reduce the length of, stays in residential and/or hospital settings. Work on developing a new strategic approach to 'housing for independence' began early in 2016/17 and brought us to the point of consensus on a strategic development framework; a way of working together and a list of work streams of different urgency and complexity.

Moving from consensus to an agreement of delivery of the more urgent work streams has been constrained by disagreements about the handling of the DFG element of the BCF in the current year's plan. Despite this, development work designed to propose an approach to this for 2017/18 and beyond has progressed, although at a slower rate than expected.

The work has been further complicated by planning uncertainty in government departments around the role and conditions of DFG funding in the BCF for future years. Whilst we understand the overall allocation to Lincolnshire for this element of the BCF, the apportionment to individual housing authorities is not yet clear. This is important to the shape of the plan being proposed, as different housing authorities are in very different demand and financial positions, and additional resources allocated at the centre may not fall in the place of most need.

What is almost certain for 2017/18 forward is that BCF partners will be required to allocate all capital funds in this area to the relevant housing authority initially. We will then be able

to agree with those authorities areas of joint development interest and 're-pool' funds to deliver these by locally agreed arrangements. The workstreams identified below represent a mixture of things to be done collaboratively and things for individual authorities to manage.

The Overarching Agreement with Housing Authorities

The overarching approach to DFGs, and associated funding is described below, and has been negotiated between all 8 local authorities.

- 1. In 2017/18 the County will allocate BCF in full accordance with government direction.
- 2. Districts will engage in a process together with County in allocating BCF DFG funding in 2018/19 and future years on a basis that reflects actual need.
- 3. It is up to Districts to establish the best delivery mechanisms for their area i.e. local delivery is best. However County wide targets to be set and monitored for the delivery of DFGs by 2018/19.
- 4. Fees to be at no more than 15%.
- County and OTs to make sure by 2018/19 budget allocation that demand and allocation of funding is not skewed by longer waiting and assessment times in different parts of the County.
- 6. By the time of the 2018/19 budget allocation County in consultation with Districts will have determined a prioritisation process for OTs to use when assessing cases.

In addition to the main agreement above some key milestones have been agreed:

- A target of 8 weeks from self-referral to job completion is the aim for the end of 2018/19 year.
- A FastTrack hospital discharge process in place by April 17.

The Approach in Practice

The practical expression of this agreement for 2017/18 and 2018/19 has been worked up with representatives of district councils in outline, and will be fleshed out in more detail assuming JCB agreement to this approach.

- 1. DFG Delivery mechanism review this will assess the current different district process and pathways of DFG's to identify best practice across the county to develop a uniform process that can be adapted to local need.
- DFG/OT review in line with workstream 1 this will focus on the LCC OT aspect of the DFG pathway to identify best practice across the county to develop a uniform process that can be adapted to local need.
- 3. Hospital Discharge of Complex Cases A working group will look to address the immediate issue of a small number of cases to develop a fast track

- discharge process
- 4. Hospital Discharge Processes using the findings of workstream 3 a longer term look at the hospital discharge process and how housing and DFG can be integral to this work.
- 5. Mental Health and Learning disability To look at the complex cases of these two groups and how the housing and DFG's processes can support them.

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A longer term project will consider, informed by the 5 workstreams above, the issue of bespoke housing solutions where the existing system cannot meet needs. This will encompass capital investment and new build initiatives.

All of these requirements, including a clear understanding of the use of all of the grant allocation for DFG purposes will form the basis of a memorandum of understanding between the County Council and DCs.

Key Challenges

Achieving uniformity across 7 housing authorities and their housing providers will not be straightforward in some cases, but must be attempted through this mechanism in a partnership rather than imposed approach.

In some cases significant additional activity will be required to fulfil some of the workstream requirements and as housebuilding picks up the recruitment of sufficient contractors who can deliver adaptations and new build in the new target time frames will be difficult.

Recommendations

- 1. JCB to note progress and endorse the overarching agreement and initial workstreams proposed by the County and District Councils.
- 2. JCB to receive more detailed plans in line with the overall planning timetable identified in the paper by David Laws.



Agenda Item 6



Executive

Open Report on behalf of Richard Wills, Executive Director for Environment and Economy

Report to: Executive

Date: **04 January 2017**

Subject: Citizens Advice Lincolnshire

Decision Reference: | **I012665**

Key decision? Yes

Summary:

Historically, Citizens Advice Services in Lincolnshire have been supported through a Grant Funding Agreement (GFA) which enables Citizens Advice Lincolnshire to deliver free, confidential and impartial advice and assistance through the network of local Citizens Advice Offices in the county. This includes a 'core service' across a broad range of advice areas including debt & money, benefits, housing & employment, consumer, relationships & family, discrimination, law & rights, tax & education and an 'Income Maximisation Service' providing intensive support to enable people to claim all of the benefits they are entitled to.

The current two year Grant Funding Agreement has provided funding of £684,594 per annum to enable delivery of such support Although the existing Agreement expires in March 2017, funding has been identified from within the service area to enable the continuation of grant funding at the same level for a further two years – i.e. for the financial years 2017/18 and 2018/19.

Executive approval is therefore sought to approve in principle the continued award of grant funding to Citizens Advice Lincolnshire and to delegate the conclusion of legal documentation and the decision to enter into the Grant Agreement to the relevant Chief Officer, in consultation with the Executive Councillor for NHS Liaison, Community Engagement.

Recommendation(s):

That the Executive:

- approve the award of grant funding to Citizens Advice Lincolnshire in the amount of
- 2) delegate to the Executive Director for Environment and Economy in consultation with the Executive Councillor for NHS Liaison, Community

Engagement the approval of all necessary legal documentation and the entering into of the grant agreement

Alternatives Considered:

The alternatives would be:

- To cease funding the service with potential impacts upon vulnerable citizens within the county
- To offer the service to alternative providers who do not have the ability to provide the same range of advice and support across the county

Reasons for Recommendation:

The giving of approval to the continuation of the grant will enable continued delivery of free, confidential and impartial advice and support services across the county over two years.

1. Background

Historically, Citizens Advice Services in Lincolnshire have been supported through a Grant Funding Agreement (GFA) which enables Citizens Advice Lincolnshire to deliver free, confidential and impartial advice and assistance through the network of local Citizens Advice Offices in the county. This includes a 'core service' across a broad range of advice areas including debt & money, benefits, housing & employment, consumer, relationships & family, discrimination, law & rights, tax & education and an 'Income Maximisation Service' providing intensive support to enable people to claim all of the benefits they are entitled to.

In addition, through their networks, Citizens Advice provide valuable connections and insight into the problems faced by people and communities in Lincolnshire with analysis of the wider social and economic trends through policy research. Their delivery of free, holistic advice and countywide coverage places them in the unique position of providing a comprehensive advice service across the whole of Lincolnshire. These factors make Citizens Advice Lincolnshire the only organisation of choice for grant funding a county wide advice service by Lincolnshire County Council. Furthermore, the local, regional and national partnerships they participate in and the infrastructure provided through the national Citizens Advice organisation add value to the services that are delivered.

The Citizens Advice organisations in Lincolnshire are non-profit making registered charities funded by grants secured from numerous sources. They are also financially supported by their local District Councils. Lincolnshire County Council core service funding enables the sustainability of the service and enables Citizens Advice to secure other local and national funding for projects and services to further support residents in the county, bringing additional value.

The services provided by Citizens Advice in Lincolnshire contribute to outcomes sought by Lincolnshire County Council. For example, enabling communities to have easier access to services and information, supporting individuals to care for themselves and develop a stronger sense of self, built on improved self-efficacy, confidence and self-esteem.

The current two year Grant Funding Agreement has provided funding of £684,594 per annum for 'core service' and 'Income Maximisation' with the aim of:

- Providing information and advice to the people of Lincolnshire in a timely manner and as efficiently as possible
- Raising awareness of support services which may be accessible to recipients
- Ensuring the service is accessible to all
- Ensuring advice given is quality assured, in accordance with the requirements of the national Citizens Advice organisation
- Ensuring advice is based on need and provided by telephone, email, webchat and, where necessary or appropriate, on a face to face basis
- Supporting clients to maximise their income by ensuring they claim all the benefits to which they are entitled (under the Income Maximisation Service)
- Providing an inclusive and accessible service offering home visits to clients, where appropriate, to ensure that no one is unable to receive the help they require due to their inability to travel or access services (under the Income Maximisation Service)
- Relieving the anxiety and financial distress associated with severe debt problems through support by specialised debt caseworkers.

That funding agreement expires at the end of March 2017 and cannot be extended within its terms. A decision is therefore required whether to continue the funding in which case a new grant agreement will need to be entered into.

A Grant Agreement can legitimately be used in these circumstances as the Council is not procuring a service. The services that Citizens Advice Lincolnshire deliver are delivered under Citizens Advice Lincolnshire's own objects as an organisation. The grant enables the Council to ensure that the organisation is funded to carry on delivering those services and to do so on a scale which supports the Council's own objectives.

Equality Act 2010

The Council needs to make sure that it complies with the public sector equality duty set out in S149 Equality Act 2010 when coming to a decision on the proposals. In doing so, the Executive Councillor as decision-maker must have due regard to the needs to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it: Equality Act 2010 section

149(1). The relevant protected characteristics are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation: section 149(7).

Having due regard to the need to advance equality of opportunity involves having due regard, in particular, to the need to:

- Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it:
- Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.

Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to tackle prejudice, and promote understanding.

Compliance with the duties in this section may involve treating some persons more favourably than others.

A reference to conduct that is prohibited by or under this Act includes a reference

- (a) A breach of an equality clause or rule
- (b) A breach of a non-discrimination rule

It is important that the Executive Councillor is aware of the special duties the Council owes to persons who have a protected characteristic as the duty cannot be delegated and must be discharged by the Executive. The duty applies to all decisions taken by public bodies including policy decisions and decisions on individual cases and includes this decision.

To discharge the statutory duty the Executive Councillor must analyse all the relevant material with the specific statutory obligations in mind. If a risk of adverse impact is identified consideration must be given to measures to avoid that impact as part of the decision making process.

The free, confidential and impartial advice and assistance delivered by Citizens Advice across the county is available to all. Due to the broad range of the support provided, Citizens Advice clients include some of the most vulnerable members of society including those with protected characteristics. Continuation of funding through a new grant agreement will enable continuation of Citizens Advice services.

Joint Strategic Needs Assessment (JSNA) and Joint Health and Wellbeing Strategy (JHWS)

The Council in exercising its functions must have regard to both the JSNA and the JHWS.

Consideration has been given to the JSNA and the JHWS and it is noted that the services provided by Citizens Advice contribute to the outcomes sought by the Joint Health and Wellbeing Strategy (JHWS) through the delivery of information, advice and assistance that reflects the key themes of the JHWS. Regarding the JSNA, insight into issues and problems in Lincolnshire gained by Citizens Advice together with policy research has the potential to support the Joint Strategic Needs Assessment process.

Crime and Disorder

Under section 17 of the Crime and Disorder Act 1998, the Council must exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment), the misuse of drugs, alcohol and other substances in its area and re-offending in its area.

This has been taken into account in this instance and the role of Citizens Advice considered. Citizens Advice remit includes advice on neighbourhood disputes, anti-social behaviour in housing and problems with local environment. Citizens Advice works in partnership with some providers of drug and alcohol support services in Lincolnshire and has a role in combating hate crime. Continuation of funding will enable this to carry on.

2. Conclusion

In recognition of the expiration of the existing Agreement in March 2017, funding has been identified from within the service area to enable the continuation of grant funding for two years.

Executive approval is therefore sought to approve in principle the continued award of grant funding to Citizens Advice Lincolnshire and to delegate the conclusion of legal documentation and the decision to enter into the Grant Agreement to the relevant Chief Officer, in consultation with the Executive Councillor.

3. Legal Comments:

The Council has the power to make the proposed grant. The relevant considerations in reaching a decision are set out in the Report.

The recommendation is consistent with the Policy Framework and within the remit of the Executive if it is within the budget.

4. Resource Comments:

Funding for the granting of this contract as set out in the recommendation has been identified from within the Council's earmarked reserves. This will cover the maximum period of the financial years 2017/18 and 2018/19.

5. Consultation

a) Has Local Member Been Consulted?

Yes

b) Has Executive Councillor Been Consulted?

Yes

c) Scrutiny Comments

On 14 December 2016, the Community and Public Safety Scrutiny Committee considered a report concerning Citizens Advice Lincolnshire. The Committee unanimously supported the recommendations contained in the report and agreed that the following comments would be passed to the Executive: -

- The Committee expressed support for the Citizens Advice Bureaux service, included the financial advice available and the help to aid individuals in claiming funds they are entitled to as part of the income maximisation project.
- The Committee highlighted the need to ensure that office space or access points for Citizens Advice are available in the community library hubs, to better support local communities.
- The Committee highlighted concern relating to the proposed channel shift to an increased number of online services and stressed the need for face to face services wherever possible. It was highlighted that in many circumstances the vulnerable residents, including older people or those on low incomes are often those who may not have computer access. The Committee stressed the importance for the need to ensure that the widest range of access to the service as possible.
- The Committee expressed a desire for the Citizens Advice Service to offer meetings with County Councillors in order to discuss local issues and promote wider engagement with local communities.
- The Committee enquired about the level of demand on the Citizens Advice Bureaux service and whether the level of grant funding was sufficient to provide an effective service given the increasing demand on Citizens Advice Lincolnshire.
- The Committee agreed to stress the importance of the continued need for effective face to face services to the Executive.

d) Policy Proofing Actions Required

n/a

6. Background Papers

No background papers within Section 100D of the Local Government Act 1972 were used in the preparation of this report.

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