

**Open Report on behalf of Pete Moore, Executive Director Finance and Public Protection**

Report to:	<b>County Council</b>
Date:	<b>19 May 2017</b>
Subject:	<b>Finance Update 2017/18</b>

**Summary:**

The Chancellor of the Exchequer announced as part of his Spring Budget 2017 additional funding to local authorities with adult social care responsibilities. For Lincolnshire County Council this additional funding is worth £15.266m in 2017/18.

The government has made it clear that this money is to be used to fund adult social care services and is to be additional to current budgeted adult social care spend. This funding also comes to the Council with a requirement that the section 151 officer certifies that the funding will be used to fund adult social care services.

**Recommendation(s):**

County Council is recommended to:-

1. approve amendments to the Council budget approved on 24 February 2017 to:
  - show £15.266m of Supplementary Improved Better Care Fund funding; and
  - to allocate the funding to adult social care services in accordance with Table 2 to this Report.
2. authorise the section 151 officer to certify to the Secretary of State that the Council will use the additional funding of £15.266m in 2017/18 to fund adult social care services; and
3. authorise the Executive Director for Finance and Public Protection to make such changes to the budget book as shall be necessary to give effect to the amendments approved at paragraph 1 above.

## 1. Background

1.1 The Chancellor of the Exchequer in the Spring Budget 2017 announced an additional £2 billion for Councils to spend on adult social care services over the next three years (Supplementary Improved Better Care Funding). Table 1 below sets out the profile of this funding nationally and the amount due to Lincolnshire County Council over this period.

Table 1

	2017/18 £'m	2018/19 £'m	2019/20 £'m
Total	1,010.000	674.000	337.000
Lincolnshire	15.266	9.609	4.761

1.2 Central government have been clear in awarding this funding that it should be used to fund adult social care services and must be in addition to the current budget proposals agreed by this Council in February 2017. Part of these conditions also require the Council to certify to government by 1 June 2017 that this additional funding will be used to fund adult social care services.

1.3 Due to the timing of the announcement of this additional funding and dissolution of the Council in advance of County Council elections this proposal has not been considered by the Executive or scrutinised by the Overview and Scrutiny Management Board in advance of its presentation at County Council.

1.4 This paper requests members to make provision in the budget for the additional funding taking into account the conditions on its use and authorise the section 151 officer to fulfil the certification requirements attached to it. Detailed plans as to the use of the funding within the adult care budgets in 2017/18 will be presented to the Executive later in the financial year and be subject to scrutiny and the wider governance arrangements in place for all other Better Care Funding, including consideration with partners via the Health and Wellbeing Board. The government has given preliminary indications of its priorities for the spending of the funding including the avoidance of delayed transfers of care.

1.5 Table 2 below sets out how it is proposed to allocate this funding over the four Adult Care Commissioning Strategies within the Council's 2017/18 budget. Allocations for 2018/19 and 2019/20 will be built into the Council's future financial plans and published as part of the budget proposals for those financial years.

Table 2

	2017/18 £'m
Adult Safeguarding	0.490
Adult Frailty, Long Term Conditions and Physical Disability	11.819
Carers	0.415
Adult Specialities	2.542
<b>Total</b>	<b>15.266</b>

1.6 The options available to County Council on this matter are limited to:

1. Making no provision for the additional supplementary iBCF funding of £15.266m from government within the Council's budget for 2017/18. The consequences of this are not known but could include the funding being withdrawn from the County Council;
2. Make provision for the funding but not certify that the funding will be used to fund adult social care services. The consequences of this are uncertain, but this could lead to the funding being withdrawn or not made available to the Council; or
3. Make provision for the funding and certify to government that it will be used to fund adult social care services in addition to existing budgets. This is the one option which will certainly secure the funding for the Council.

1.7 It is therefore recommended to Council that option 3 is adopted and the Council make provision for the additional funding in the budget for 2017/18 and certify that it will be used to fund adult social care services in 2017/18.

## 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.

These equality considerations do not preclude changes in services being made, but do require that these be fully appreciated. It is likely that this additional funding will result in changes to service provision within adult care and may apply to services accessed by all people in Lincolnshire as well as services provided to specific groups.

In order to meet its obligations equality impact analyses will be carried out in relation to any proposed changes to services on an individual basis. The specific impacts on people with a protected characteristic will be investigated and the potential mitigation if any will be made clear, so that the implications of decisions are fully understood as they affect specific groups and communities. These have been and will continue to be, regularly reported to the Executive as part of the decision making processes.

Joint Strategic Needs Analysis (JSNA and the Joint Health and Wellbeing Strategy (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.

Approval of acceptance of this additional funding and certification that this funding will be used to fund adult social care services is not a final decision about how the

funding will be spent, just that it will be allocated to adult social care services. Individual proposals will only be implemented after due regard to the legal matters that must be considered including the Joint Strategic Needs Assessment and Joint Health and Well-being Strategy.

### 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.

Approval of acceptance of this additional funding and certification that this funding will be used to fund adult social care services is not a final decision about how the funding will be spent, just that it will be allocated to adult social care services. Individual proposals will only be implemented after due regard to the legal matters that must be considered including the duty under section 17 of the Crime and Disorder Act 1988.

### **3. Conclusion**

3.1 Central government has made £15.266m of supplementary iBCF funding available to the Council in the Spring Budget 2017 for 2017/18. It is recommended that the Council make provision for this additional funding in the Council's budget for 2017/18 and certify that it will be used to fund adult social care services in 2017/18.

### **4. Legal Comments:**

The Council must approve the inclusion of the additional funding in the Council's budget to enable it to be spent. The section 151 officer is required to certify that the funding will be used to fund adult social care services by 1 June 2017.

Approval of changes to the budget of the scale proposed is a matter reserved to the full Council.

### **5. Resource Comments:**

These proposals are in line with the Council's Financial Strategy to seek approval for budget changes over £0.500m and meet the government's requirements to certify that this funding will be allocated to additional adult social care spending in 2017/18.

## 6. Consultation

### a) Has Local Member Been Consulted?

n/a

### b) Has Executive Councillor Been Consulted?

n/a

### c) Scrutiny Comments

Due to the timing of the announcement additional funding and dissolution of the Council in advance of County Council elections this proposal has not been considered by the Executive or scrutinised by the Overview and Scrutiny Management Board in advance of its presentation at County Council.

This paper requests members to make provision in the budget for the additional funding taking into account the conditions on its use and authorise the section 151 officer to fulfil the certification requirements attached to it. Detailed plans as to the use of the funding within the adult care budgets in 2017/18 will be presented to the Executive later in the financial year and be subject to scrutiny and the wider governance arrangements in place for all other Better Care Funding, including consideration with partners via the Health and Wellbeing Board. The government has given preliminary indications of its priorities for the spending of the funding including the avoidance of delayed transfers of care.

### d) Have Risks and Impact Analysis been carried out?

See the body of the Report

### e) Risks and Impact Analysis

See the body of the Report

## 7. Background Papers

Document title	Where the document can be viewed
Council Budget 2017/18	Executive Director Finance and Public Protection

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