

# Cabinet

**Wednesday 14 August 2019**

**10.00 am Meeting Room, Taunton Library**



To: The Members of the Cabinet

CLlr M Chilcott (Vice-Chair), CLlr D Fothergill (Chairman), CLlr D Hall, CLlr D Huxtable, CLlr C Lawrence, CLlr F Nicholson, CLlr F Purbrick and CLlr J Woodman

All Somerset County Council Members are invited to attend meetings of the Cabinet and Scrutiny Committees.

Issued By Scott Wooldridge, Strategic Manager - Governance and Risk and Monitoring Officer - 6 August 2019

For further information about the meeting, please contact Michael Bryant or Scott Wooldridge or 01823 357628 [democraticservices@somerset.gov.uk](mailto:democraticservices@somerset.gov.uk)

Guidance about procedures at the meeting follows the printed agenda.

This meeting will be open to the public and press, subject to the passing of any resolution under Regulation 4 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

This agenda and the attached reports and background papers are available on request prior to the meeting in large print, Braille, audio tape & disc and can be translated into different languages. They can also be accessed via the council's website on [www.somerset.gov.uk/agendasandpapers](http://www.somerset.gov.uk/agendasandpapers)



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## AGENDA

Item Cabinet - 10.00 am Wednesday 14 August 2019

**\*\* Public Guidance notes contained in agenda annexe \*\***

1 **Apologies for Absence**

2 **Declarations of Interest**

Details of Cabinet Member interests in District, Town and Parish Councils will be displayed in the meeting room. The Statutory Register of Member's Interests can be inspected via the Community Governance team.

3 **Minutes from the meeting held on 8th July 2019** (Pages 9 - 14)

4 **Public Question Time**

The Chair will allow members of the public to present a petition on any matter within the Cabinet's remit. Questions or statements about any matter on the agenda for this meeting may be taken at the time when each matter is considered.

5 **2019/20 Revenue Budget Monitoring - Quarter 1 (Month 3) Report** (Pages 15 - 40)

To consider the report

6 **Local Government and Social Care Ombudsman Report Outcome** (Pages 41 - 68)

To consider the report

7 **Award Contract for Care and Support Services to Shared Lives South West in Somerset** (Pages 69 - 122)

To consider the report

(Appendices 1 – 3 and 9 - confidential)

**Possible exclusion of the press and public**

**PLEASE NOTE:** Although the main report for this item not confidential, supporting appendices available to Members contain exempt information and are therefore marked confidential – not for publication. At any point if Members wish to discuss information within this appendix then the Cabinet will be asked to agree the following resolution to exclude the press and public:

Item Cabinet - 10.00 am Wednesday 14 August 2019

**Exclusion of the Press and Public**

To consider passing a resolution under Regulation 4 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 to exclude the press and public from the meeting on the basis that if they were present during the business to be transacted there would be a likelihood of disclosure of exempt information, within the meaning of Schedule 12A to the Local Government Act 1972:

Reason: Information relating to the financial or business affairs of any particular person (including the authority holding that information).

**8 Any other urgent items of business**

The Chair may raise any items of urgent business.

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**1 Inspection of Papers or Statutory Register of Member’s Interests**

Any person wishing to inspect reports or the background papers for any item on the agenda or inspect the Register of Member’s Interests should contact the Committee Administrator on 01823 357628 or [democraticservices@somerset.gov.uk](mailto:democraticservices@somerset.gov.uk)

**2 Notes of the Meeting**

Details of the issues discussed and decisions taken at the meeting will be set out in the Minutes, which the committee or board will be asked to approve as a correct record at its next meeting. In the meantime, details of the decisions taken can be obtained from the Committee Administrator.

**3 Members’ Code of Conduct Requirements**

When considering the declaration of interests and their actions as a councillor, Members are reminded of the requirements of the Members’ Code of Conduct and the underpinning Principles of Public Life: HONESTY; INTEGRITY; SELFLESSNESS; OBJECTIVITY; ACCOUNTABILITY; OPENNESS; LEADERSHIP. The Code of Conduct can be viewed at: <http://www.somerset.gov.uk/organisation/key-documents/the-councils-constitution/>

**Public Question Time**

4

At the Chair’s invitation you may ask questions and/or make statements or comments about **any matter on the Committees / Boards agenda**. You may also present a petition on any matter within the Committee / Boards remit. **The length of public question time will be no more than 30 minutes in total.**

A slot for Public Question Time is set aside near the beginning of the meeting, after the minutes of the previous meeting have been signed. However, questions or statements about any matter on the agenda for this meeting may be taken at the time when each matter is considered.

**If you wish to speak at the meeting or submit a petition then you will need to submit your statement or question in writing to the Committee Administrator by 5.00pm three clear working days before the meeting**. You can send an email to [democraticservices@somerset.gov.uk](mailto:democraticservices@somerset.gov.uk) or send post to Democratic Services, County Hall, Taunton, TA1 4DY.

You must direct your questions and comments through the Chair. You may not take direct part in the debate.

The Monitoring Officer has the discretion to reject any question /statement/petition that is not in accordance with Council policy.

**Remember that the amount of time you speak will be restricted normally to three minutes.**

## 5 **Hearing Aid Loop System**

To assist hearing aid users, the meeting room has an infra-red audio transmission system. This works in conjunction with a hearing aid in the T position, but we also need to provide you with a small personal receiver. Please request one from the Committee Administrator and return at the end of the meeting.

## 6 **Emergency Evacuation Procedure**

In the event of the fire alarm sounding, members of the public are requested to leave the building via the signposted emergency exit, and proceed to the collection area outside Shire Hall.

## 7 **Cabinet Forward Plan**

The latest published version of the Forward Plan is available for public inspection at County Hall or on the County Council web site at:

<http://www.somerset.gov.uk/irj/public/council/futureplans/futureplan?rid=/guid/505e09a3-cd9b-2c10-89a0-b262ef879920>.

## 8 **Excluding the Press and Public for part of the meeting**

There may occasionally be items on the agenda that cannot be debated in public for legal reasons (such as those involving confidential and exempt information) and these will be highlighted in the Forward Plan. In those circumstances, the public and press will be asked to leave the room while the committee/board goes into Private Session.

## 9 **Recording of meetings**

The Council supports the principles of openness and transparency, it allows filming, recording and taking photographs at its meetings that are open to the public providing it is done in a non-disruptive manner. Members of the public may use Facebook and Twitter or other forms of social media to report on proceedings and a designated area will be provided for anyone who wishing to film part or all of the proceedings. No filming or recording will take place when the press and public are excluded for that part of the meeting. As a matter of courtesy to the public, anyone wishing to film or record proceedings is asked to provide reasonable notice to the Committee Administrator so that the relevant Chair can inform those present at the start of the meeting.

We would ask that, as far as possible, members of the public aren't filmed unless they are playing an active role such as speaking within a meeting and there may be occasions when speaking members of the public request not to be filmed.

The Council will be undertaking audio recording of some of its meetings in County Hall

as part of its investigation into a business case for the recording and potential webcasting of meetings in the future.

A copy of the Council's Recording of Meetings Protocol should be on display at the meeting for inspection, alternatively contact the Committee Administrator for the meeting in advance.

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## THE CABINET

Minutes of a Meeting of the Cabinet held in the meeting room, Taunton Library, on Monday 8<sup>th</sup> July 2019 at 10.00am.

### PRESENT

Cllr D Fothergill (in the Chair)

Cllr M Chilcott

Cllr D Hall

Cllr D Huxtable

Cllr C Lawrence

Cllr F Nicholson

Cllr F Purbrick

Cllr J Woodman

Junior Cabinet members:

Cllr G Fraschini

**Other Members present:** Cllr H Davies, Cllr M Keating, Cllr L Leyshon, Cllr J Lock, Cllr T Lock, Cllr L Redman, Cllr A Wedderkopp

**Apologies for absence:** Cllr M Pullin

211 **Declarations of Interest** – agenda item 2

Members of the Cabinet declared the following personal interests in their capacity as a Member of a District, City/Town or Parish Council:

Cllr J Woodman – Sedgemoor District Council

212 **Minutes of the meeting of the Cabinet held on 10<sup>th</sup> June 2019** - agenda item 3

The Cabinet agreed the minutes and the Chair signed these as a correct record of the proceedings.

213 **Public Question Time (PQT)** – agenda item 4

The Leader of the Council, Cllr David Fothergill, noted that questions had been submitted by Nigel Behan, regarding the MTFP approach report and that these would be considered under the relevant agenda item.

214 **Somerset Safeguarding Children Partnership Arrangements** – agenda

item 5

The Cabinet Member for Children and Families, Cllr Frances Nicholson introduced the report noting: the importance of keeping children safe; the importance of relevant parties working together; and the Sir Alan Woods report. Cllr Nicholson further highlighted that the role of the scrutiny function would develop over time.

The Director of Children's Services, Julian Wooster added to the points raised by Cllr Nicholson, noting: this was a transitional year; the commitment to appoint an independent scrutineer; and the importance of regional working.

The Cabinet proceeded to debate the report and make a number of comments, points raised included: the importance of the arrangements; liaison with the Health and Wellbeing Board; the importance of keeping children safe; funding levels; the importance of considering the 'voice of the child'; scrutiny arrangements at partner organisations; and the geographical boundaries of the work.

In response to the points raised the Director of Children's Services confirmed there would be no increase in funding during the initial transitional year; and highlighted the consultation undertaken regarding the Children and Young Peoples Plan.

At the Leader of the Council's invitation, the Chair of the Scrutiny for Policies, Children and Families Committee, Cllr Leigh Redman addressed the Cabinet, and raised the following points: the limited detail currently available; and the importance of acting as an advocate for young people. Cllr Redman further questioned how the new arrangements would offer improvements to current practice.

The Director of Children's Services, Julian Wooster noted: that the Government felt that previous arrangements were not effective; the use of the Children and Young Peoples Plan as the delivery tool; and that children's views are essential.

The Council's Chief Executive, Patrick Flaherty noted: there would be Scrutiny involvement during Autumn 2019 at which point further information would be available; and that the new arrangements ensured accountability to senior officers.

**Following consideration of the officer report and discussion the Cabinet approved and endorsed:**

- 1. The proposal to implement new Safeguarding Partnership arrangements alongside changes to the Children's Trust arrangements at Executive (Tier 1) and Partnership (Tier 2) level.**
- 2. The publication of the new safeguarding arrangements in June 2019 on behalf of the County Council, CCG and Avon and Somerset Constabulary by 29 June, as delegated to the Director of Children's Services in March 2019.**
- 3. Sign-off on the published arrangements by the County Council Chief Executive.**
- 4. That the Director of Children Services and the Head of Legal services undertake further discussions with local and regional Safeguarding Partners with a view to agreeing contractual arrangements whereby certain safeguarding duties and tasks will be undertaken by identified members of the regional Safeguarding Partnership.**

ALTERNATIVE OPTIONS CONSIDERED: As set out in the officer report

REASON FOR DECISION: As set out in the officer report

## 215 **Treasury Management Outturn Report** - agenda item 6

The Cabinet Member for Resources, Cllr Mandy Chilcott, introduced the report noting: the completion of the Outturn Report is a CIPFA requirement; the report details the treasury position as at 31<sup>st</sup> March 2019; that borrowing had been envisaged, but had not been required to date; the £5m repayment of a LOBO loan; that total lending had decreased by £10.5m; the Council's average cash balance was £36.5m; and that investments had generated £2.1m which equates to a 0.83% return.

The Principal Investment Officer, Alan Sanford, added to the points raised by Cllr Chilcott, noting: LOBO loans are usually repaid at maturity; and that the early repayment of the loan will save £176k in interest payments.

The Cabinet proceeded to debate the report and invited views from other members present. Points raised included: the CCLA property fund returns; the Council's other LOBO loan commitments; the importance of understanding and quantifying the risks of investments; and cash management and risks associated with managing finances on behalf of other organisations.

The Principal Investment Officer, Alan Sanford responded noting: the Council has £125m of outstanding LOBO loans; and that the Council manages money on behalf of the Police, but this is clearly separated from the Council's own finances; and the resource implications of managing the

finances of other organisations.

The Leader of the Council thanked Alan Sanford for his work.

**Following consideration of the officer report, appendices and discussion the Cabinet approved this report and recommended that it is submitted to Full Council on 17th July 2019.**

ALTERNATIVE OPTIONS CONSIDERED: As set out in the officer report

REASON FOR DECISION: As set out in the officer report

216 **MTFP Approach 2020 to 2023** – agenda item 7

The Cabinet Member for Resources, Cllr Mandy Chilcott introduced the report and highlighted: the Council's continuing journey toward financial sustainability; the dramatic budget 'turn-around'; forecasting resources for the next four years; the Capital Investment Programme; the comprehensive spending review, and associated funding uncertainty; mapping budget scenarios; and the scheduled MTFP Member briefings.

The Cabinet heard from Nigel Behan who raised a number of questions regarding: potential investments; investments in renewable energy and environmental schemes; and the local Audit framework.

The Cabinet Member for Resources, Cllr Mandy Chilcott responded to the questions raised, noting: the Council is currently developing an investment strategy; that the County and District Councils are considering environmental schemes and working on a strategy for the County; and that the Council welcomes the work regarding the local Audit framework.

The Cabinet proceeded to debate the report, points raised included: uncertainty regarding future funding; the Council's improved financial position; and ensuring the risks of any investments are fully considered.

**Following consideration of the officer report, appendices and discussion the Cabinet:**

**1. Approved the high-level budget setting timetable and the approach for updating the Medium Term Financial Plan, incorporating the 2020/21 revenue budget proposals and the capital programme.**

**2. Noted the progress with a number of key strategies since the Full Council budget meeting in February 2019.**

### **3. Noted the Council's responses to technical consultations on the future of Local Government Funding submitted in Spring 2019.**

ALTERNATIVE OPTIONS CONSIDERED: As set out in the officer report

REASON FOR DECISION: As set out in the officer report

#### **217 Month 2 Revenue Budget Monitoring – agenda item 8**

The Cabinet Member for Resources, Cllr Mandy Chilcott introduced the report and highlighted: this was the first budget monitoring report of the financial year; the forecast balanced position at year end; areas of challenge included Children's Services and Dillington House but that management actions were in place; the virement of £498k for home to school transport provision; the early repayment of the BMIS negative reserve; and the significant improvement in savings delivery, which currently stands at 99%.

The Interim Finance Director, Sheila Collins, added to the points raised by Cllr Chilcott noting the increased contribution to contingency to mitigate against service variations.

The Cabinet proceeded to debate the report and invite views from other members present, points raised included: the Dillington House budget overspend; the use of contingency to fund home to school transport; the cost of the quadrennial County Council elections; funding for the recent developments at Dillington House; and Dillington House lease break clauses.

The Cabinet Member for Education and Council Transformation, Cllr Faye Purbrick highlighted the Dillington House budget management actions and on-going efforts regarding finances. The Director of Children's Services, Julian Wooster further highlighted Dillington House was now being utilised for some teacher training.

The Chief Executive, Patrick Flaherty, responded to the points raised regarding the cost of the County Councils own elections, noting: the cost was spread over 4 years; the Council must follow Electoral Commission rules; and costs are shared where multiple elections can be held on the same day.

The Strategic Finance Manager, Elizabeth Watkin highlighted that there would be financial implications if the Dillington House lease were surrendered under a break clause.

The Leader of the Council Cllr David Fothergill thanked officers for their work.

**Following consideration of the officer report and discussion the Cabinet approved:**

**1. The contribution of £3.390m to the Corporate Priorities Reserve as detailed in section 1.4 and 2.6 of the report which further supports the council's long term financial resilience.**

**2. The transfer of £0.498m of Corporate Contingency to support the pressure in Home to School Transport as detailed in section 2.2 of the report.**

**The Cabinet further noted the projected balanced outturn position for the 2019/20 financial year.**

ALTERNATIVE OPTIONS CONSIDERED: As set out in the officer report

REASON FOR DECISION: As set out in the officer report

218 **Any other business** – agenda item 9

There were no items raised.

(The meeting ended at 11.04am)

**CHAIR**

Decision Report – Cabinet  
 Decision Date – 14<sup>th</sup> August 2019

**2019/20 Revenue Budget Monitoring – Quarter 1 (month 3) Report**

Cabinet Member(s): Cllr Mandy Chilcott – Cabinet Member for Resources  
 Division and Local Member(s): All  
 Lead Officer: Sheila Collins, Interim Director of Finance  
 Author: Leah Green, Finance Manager MTFP – Corporate  
 Finance Contact Details: [SDCollins@somerset.gov.uk](mailto:SDCollins@somerset.gov.uk) 01823 359028

	<b>Seen by:</b>	<b>Name</b>	<b>Date</b>
	County Solicitor	Honor Clarke	01/08/2019
	Monitoring Officer	Scott Wooldridge	01/08/2019
	Corporate Finance	Sheila Collins	01/08/2019
	Human Resources	Chris Squire	01/08/2019
	Property	Paula Hewitt / Claire Lovett	01/08/2019
	Procurement / ICT	Simon Clifford	01/08/2019
	Senior Manager	Sheila Collins	01/08/2019
	Commissioning Development Team	<a href="mailto:commissioningdevelopments@somerset.gov.uk">commissioningdevelopments@somerset.gov.uk</a>	01/08/2019
	Local Member(s)	All	
	Cabinet Member	Mandy Chilcott	01/08/2019
	Opposition Spokesperson	Liz Leyshon	01/08/2019
	Relevant Scrutiny Chairman	Cllr Anna Groskop for Scrutiny Place	01/08/2019
<b>Forward Plan Reference:</b>	FP/19/06/05		
<b>Summary:</b>	This report sets out the Quarter 1 (month 3) forecast outturn position for 2019/20 for the net Revenue Budget of £327.967m. It highlights variances to service budgets, as well as emerging issues, risks, areas of concern and proposed actions to resolve them. The Council’s Medium-Term Financial		

	<p>Plan (2019-22) sets out proposals to further develop its financial resilience over the long-term whilst also supporting the delivery of the Council’s key priorities.</p> <p>Although still early in the year, the report shows an overall projected <b>balanced position</b> for the Council, with the main variances being within Children’s Services and Trading Units (Dillington House). Management action is under development in these areas that will aim to ensure a balanced budget by the end of the year. However, until these are more fully developed, these variances are being reported in the detail of the report and a proportion of the corporate contingency ‘notionally’ allocated to off-set the variances. This leaves £6.061m of the Corporate Contingency budget currently unallocated and therefore potentially available to further improve the Council’s financial resilience in the medium term. A decision regarding use of the contingency will be considered later in the year once the end of year position is firmer.</p> <p>As this is the Quarter 1 report, more detail on debt charges, reserves, capital receipts and an up-date on the Improving Lives Programme are included than would be the case for the intervening monthly reports. This confirms the positive direction of travel to continue to strengthen the reserves position through taking appropriate opportunities to replenish reserves were sensible.</p> <p>The budget for 2019/20 includes a savings target of £21.550m and this report confirms delivery of £16.694m to date. Of the remainder, very close monthly tracking and change control mechanisms continue to be in place as they have been since September 2018, to ensure full delivery during the year.</p>
<p><b>Recommendations:</b></p>	<p><b>It is RECOMMENDED that the Cabinet:</b></p> <ol style="list-style-type: none"> <li>1. Note the forecast balanced budget position for the end of 2019/20</li> <li>2. Note that £6.061m of the corporate contingency remains unallocated and this is expected to increase as management actions on service variances are confirmed</li> <li>3. Note the delivery of £16.694m savings by Quarter 1 and the forecast delivery of £21.485m by the year end.</li> </ol>



	<p>4. Note the improving financial resilience of the Council, with the level of reserves now being projected as £53.810m by the year end (comprising £35.443m of Earmarked Reserves and £18.367m of General Fund).</p>
<b>Reasons for Recommendations:</b>	<p>Closely monitoring spend against the agreed budget is necessary to ensure that the Council delivers its priorities within its means. This report requires action to be taken so that this objective can be met.</p>
<b>Links to County Vision, Business Plan and Medium-Term Financial Strategy:</b>	<p>The Medium-Term Financial Plan (MTFP 2019-22) sets the funding for the County Vision and the use of those funds is then monitored, via this report and others throughout the year to ensure delivery of Council objectives and actions within the resources available.</p>
<b>Consultations and co-production undertaken:</b>	<p>Information and explanations have been sought from directors on individual aspects of this report and their comments are contained in the report. Due process and consultations will be carried out where required for any further specific proposals for change.</p>
<b>Financial Implications:</b>	<p>The financial implications are identified throughout the report.</p>
<b>Legal Implications:</b>	<p>There are no specific legal implications arising from this report.</p>
<b>HR Implications:</b>	<p>There are no HR implications arising directly from this report, but remedial actions may have such implications. These will be dealt with in any subsequent reports.</p>
<b>Risk Implications:</b>	<p>The Council's corporate risk register recognises the difficulties to containing spend within budget in the face of service pressures, reducing funding and the challenges of delivering ever more savings and efficiencies.</p> <p>Although broader market uncertainty exists in view of the current Brexit negotiations, at this stage any precise implications are not known. The Council needs to be alert to potential implications as negotiations develop and respond accordingly at the time.</p>

	<p>The Children’s Services budget, while rebased, remains under pressure as the Service continues to improve alongside the sensitivity of some aspects of the services to volume changes, especially placements.</p> <p>The Organisational Risk (00043) has a broad perspective, encompassing both current year spending and future years’ budgets. At the beginning of each year this corporate risk is reviewed.</p> <p>The up-dated risk for 2019/20 acknowledges the improvement that has been made and describes the risk to be: “Maintaining a balanced budget for 2019/20 and ensuring a sustainable MTFP. There is a risk to the council’s long-term sustainability if there are significant in-year service overspends, and or if the council suffers significant loss of funding in future years its ability to prepare a robust and sustainable MTFP for 2020/21 onwards may be impacted.”</p> <p>In view of the unprecedented level of uncertainty facing local government (for example service demands, absence of a Spending Review beyond 2019/20 and lack of clarity over the future funding of Local Government more broadly), despite growing confidence with internal control mechanisms, the risk score remains at the current level of “very high” (4x4(16)).</p> <p>Robust control must be maintained.</p>						
	<table border="1"> <tr> <td data-bbox="528 1444 742 1489"><b>Likelihood</b></td> <td data-bbox="742 1444 853 1489"><b>4</b></td> <td data-bbox="853 1444 1029 1489"><b>Impact</b></td> <td data-bbox="1029 1444 1141 1489"><b>4</b></td> <td data-bbox="1141 1444 1364 1489"><b>Risk Score</b></td> <td data-bbox="1364 1444 1445 1489"><b>16</b></td> </tr> </table>	<b>Likelihood</b>	<b>4</b>	<b>Impact</b>	<b>4</b>	<b>Risk Score</b>	<b>16</b>
<b>Likelihood</b>	<b>4</b>	<b>Impact</b>	<b>4</b>	<b>Risk Score</b>	<b>16</b>		

<p><b>Other Implications (including due regard implications):</b></p>	<p><b><u>Equalities Implications</u></b></p> <p>There are no specific equalities implications arising from the contents of this report.</p> <p><b><u>Community Safety Implications</u></b></p> <p>There are no community safety implications arising from the contents of this report.</p> <p><b><u>Sustainability Implications</u></b></p>
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	<p>There are no sustainability implications arising from this report.</p> <p><b><u>Health and Safety Implications</u></b></p> <p>There are no health and safety implications arising from this report.</p> <p><b><u>Privacy Implications</u></b></p> <p>There are no privacy implications arising from this report.</p> <p><b><u>Health and Wellbeing Implications</u></b></p> <p>There are no health and wellbeing implications arising from this report.</p>
<p><b>Scrutiny comments / recommendation (if any):</b></p>	<p>This report will be presented to Scrutiny for Policies and Place Committee, on 18<sup>th</sup> September 2019; comments arising will be made available to the Cabinet at a subsequent meeting.</p>

## 1. Background

- 1.1. This report is the second revenue budget monitoring for 2019/20 and remains an early forecast of the potential end of year position.
- 1.2. Nevertheless, it is encouraging that the forecast continues to show confidence that the more robust approach to budget planning for 2019/20 onwards has ensured that the budget assumptions are realistic, and deliverable with a relatively small adverse variance seen in Service forecasts of £0.667m. At this early stage in the year, this is being off-set by a 'notional' allocation from Corporate Contingency while firm management actions to correct variances are being developed.

The Council must, and will, sustain this tighter financial grip going forwards. This will include the continuation of formal monthly monitoring report to Cabinet and to Scrutiny for Policies and Place and continual improvements to the format, content and layout of the reports to aid effective review and scrutiny. Alongside this internal tracking and budget monitoring processes continue to be given close attention by the Senior Leadership Team.

### 1.3. Reserves

1.4. The Council holds reserves in two forms:

- Earmarked reserves held for specific purposes and to mitigate against future known or predicted liabilities, and;
- The General Fund to mitigate against unforeseen spends or major unexpected events.

1.5. During 2018/19 significant progress was made in replenishing the Council's reserves position, with total balances at the end of the year being £26.075m for Earmarked Reserves and £17.689m for General Fund Reserve. This was an improvement of over £20m during 2018/19. This first Quarter budget monitoring report sets out the forecast planned use of earmarked reserves with a summary set out in the tables below (Table 1).

Earmarked reserves are set aside for specific purposes and the transfer to and from those reserves during the year are presented to Cabinet for approval. Table 1 below confirms the contributions to earmarked reserves that were approved by the Council on 20 February 2019 together with the net additional movements now anticipated by Services during the year. This clearly demonstrates the continued positive improvement in the Council's financial resilience. These anticipated movements have been reflected in the balanced budget position as at Quarter 1 and will be monitored closely for the remainder of the year and details reported later in 2019/20.

### 1.6. Table 1

#### Earmarked Reserves: Actual and anticipated movements for 2019/20

<b>Earmarked Reserves 2019/20</b>	<b>£m</b>
<b>Balance as at 31st March 2019</b>	<b>26.075</b>
Budgeted In-Year Movements 2019/20 as agreed in the MTFP:	
Set Up Invest to Save Fund	2.852
Set Up Business Rates Pilot County-Wide Pot	4.015
Set Up Prevention Fund	1.000
Budgeted Increase to Insurance Fund	0.541
<b>Balance as at 1st April 2019</b>	<b>34.483</b>
Additional Anticipated Net Service Movements (includes the £3.390m contribution to Corporate Priorities Reserve as per Month 2 report)	0.960
<b>Closing Balance as at 31st March 2020</b>	<b>35.443</b>

## 1.7. General Fund

The 2019/20 revenue budget includes plans to improve the Council's resilience of its General Fund Reserve by £2.000m as set out in Table 2 below:

**1.7.1 Table 2  
General Fund Reserve Movements 2019/20**

<b>General Fund 2019/20</b>	<b>£m</b>
<b>Balance as at 31st March 2019</b>	<b>17.689</b>
<u>In Year Movements 2019/20:</u>	
Budgeted Contribution	2.000
<b>Balance as at 1st April 2019</b>	<b>19.690</b>
<i>Less impact of Negative Earmarked Reserve</i>	<i>-1.322</i>
<b>Closing Balance as at 31st March 2020</b>	<b>18.367</b>

### **Capital Receipts Flexibilities (CRF)**

The MTFP (2019-22) process included a review of business cases supporting the transformation activity that planned to utilise capital receipts flexibilities during 2019/20 in compliance with Government Guidelines. This was planned at £2.795m in the MTFP, although the quarter 1 forecast position has reduced to £2.533m, a reduction of £0.262m from the original forecast. Appendix A gives a summary of the transformational projects and current forecast value. Over time the impact of these investments will be evaluated to ensure full compliance with Government Guidelines.

## 1.8. Improving Lives Programme (ILP)

The Improving Lives Programme (ILP) will deliver an ambitious redesign of the Council's services to enable the Council to better manage demand and put prevention at the heart of its thinking.

During the budget setting process for 2019/20 a new Invest to Save Fund (ITS) Earmarked Reserve was set up to fund internal projects designed to improve the Council's efficiency and drive down future revenue costs and to reduce the need to use Capital Receipts Flexibilities (CRF).

Any activities that contribute to Transformation outcomes requiring investment from a funding stream, e.g. ITS Fund or CRF require a business case to be completed and to pass through an approval process, which assesses and determines the most appropriate funding of these costs, be it ITS Fund or CRF.

As at the end of June 2019, the estimated cost of additional resources required to facilitate the Improving Lives Programme during 2019/20 is £0.480m.

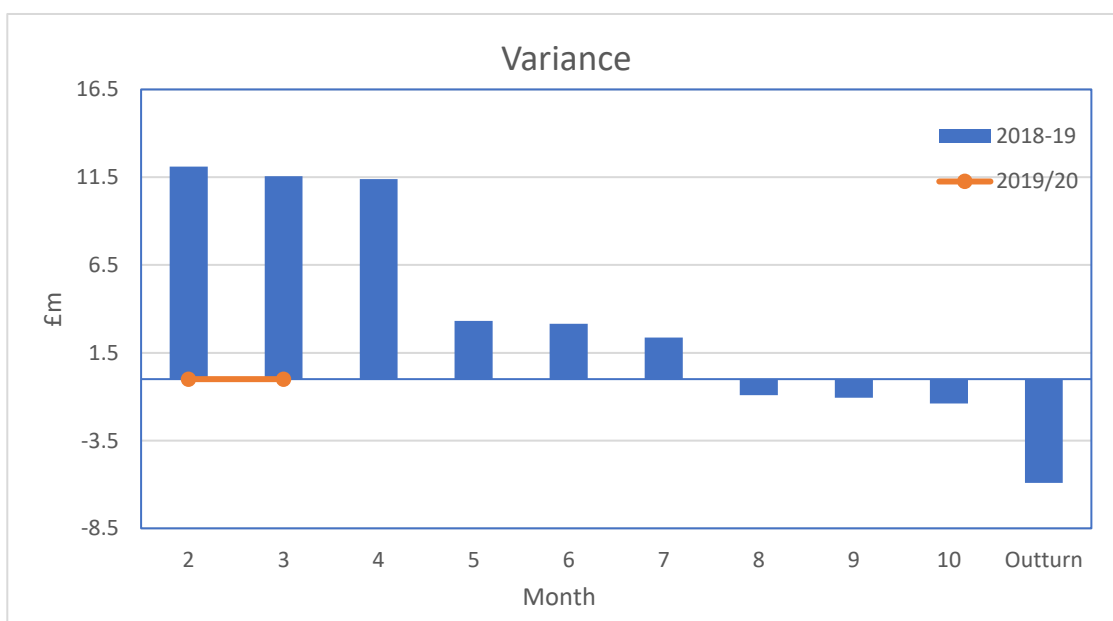
An update on the delivery of the programme can be found in section 2.10

### Summary Forecast 2019/20 – Revenue Budget

The Councils forecast shows a projected balanced position when compared to the revenue budget of £327.967m. There is a forecast overspend in Key Service Spend with most of the variance being within Children’s Services and Trading Units (Dillington House). Most other areas of the Council are within reasonable tolerance.

- 1.9.** The following graph (Graph 1) compares the reported monthly budget variances in 2018/19 and the current financial year.

**Graph 1 – Revenue Budget Variances 2018/19 and 2019/20**



- 1.10.** The table showing the projected end of year position, and variances from agreed budgets, are set out in Annex A. The paragraphs below offer short explanations of the major parts of those variances. As part of continuing improvements to financial management the format of the table in Annex A will be reviewed to ensure that it meets current best practice and aids transparency.

## 2. Key Variances

### 2.1. Adults Services *(Net budget £126.614m, projected on budget, no movement)*

#### **Adult Services: on budget £0.000m, movement; £nil**

The Adults budget is projected to be a balanced position against the net budget of £126.614m. This is following management action being taken to address pressures and use of Better Care Fund and Council Tax precept to fund growth, particularly within the Learning Disabilities service.

There has been a small increase in the projected spend reported against Adult Social Care since the month 2 report. This has resulted in an adverse movement of £0.069m (0.09%), however this growth will be offset by some of the Council Tax precept money that has been held back to fund growth.

The main cause of the above is an increased usage of Nursing beds over the past month, mainly to support hospital discharges. This follows several months of Nursing placements reducing in large numbers each month. At the end of March 2019 there were 779 nursing placements which had reduced to the 745 which were reported last month. This movement increases numbers back up to 761. Although fluctuations like this are common when dealing with a large number of placements, Adults management team will keep this under review to ensure any further growth is managed accordingly.

There have also been increases in the use of Respite placements with quarter one of 2019/20 being 20% higher when compared to the same period in 2018/19. This approach is part of the 'Promoting Independence' strategy and enabling people to remain in their own homes with their families for longer. These increases are offset by a reduction in Residential placements which is in line with the MTFP saving put forward to reduce the use of Residential.

Mental Health activity has also increased since month 2 with projected spend being £0.053m higher than the previous report. This 0.36% growth will also be offset by Council Tax precept.

Following a review of residential placement end dates with the Strategic Manager for Mental Health services there are a number of extensions which are now being projected for. This has increased anticipated spend by £0.220m. This has however been offset by additional income from NHS England for a Transforming Care case which wasn't being projected for previously.

The Learning Disabilities Pooled Budget expenditure has increased marginally this month. Spend is now projected to be £0.193m higher than that reported at month 2 which is an increase of 0.24%. As agreed previously with the Clinical Commissioning Group this growth will be funded by the Better Care Fund inflation.

The main reasons for this growth are a net increase of 10 people taking a Direct Payment to meet their outcomes, increases for 2 clients following a review where their support has changed to a Direct Payment, and a client who has transitioned from Children's into a Supported Living placement. Although there has been growth in Learning Disabilities there were no new residential placements which is in line with the services commissioning intentions. Spend against the Learning Disabilities budget will continue to be tracked closely throughout the year to enable any potential further growth to be flagged early and managed appropriately.

There are MTFP savings of £5.157m to be achieved during 2019/20. Of these £2.767m have already been fully achieved with the remainder on track to be delivered throughout the year.

**2.2. Children's Services** (*Net budget £83.372m, £0.497m projected overspend, favourable movement -£0.477m*)

**Children & Learning Central Commissioning: adverse £0.064m, movement; favourable -£0.493m**

The budgets for transporting children and young people to and from their place of education has benefited from a transfer from contingency of £0.498m substantially decreasing the overall overspend reported last month. This was a decision taken in the month 2 monitoring report and reflects 're-basing' of the budget, rather than any increased costs.

However, there has been an adverse variation of £0.195m from month 2 to month 3 in the full year forecast expenditure for PRU (Pupil Referral Unit) transport. This is as a result of a reporting issue but Month 3 forecasting now projects an overspend on the budget where an underspend had been forecast last month. A large proportion of this will be funded by schools so the net impact on the PRU transport budget is small at £0.082m.

A number of permanent exclusions late in the academic year have seen an increase in demand but around 130 children accessing PRUs were in school year 11 and will now leave reducing the forecast spend. Transport to some PRU centres has also stopped altogether and the service expects to see a reduction in costs for Month 4.



Tendering for school transport routes starting in September 2019 is due to take place in August and at that point the Council will have a much clearer view of what the 2019/20 costs are likely to be for this budget line.

**Children & Families Operations: adverse £0.433m, movement; adverse £0.016m**

The overall position for Children's & Families is a £0.433m overspend, no material change to the bottom line since month 2.

**External Placements: adverse £1.046m, movement; adverse £0.006m**

The placements forecast currently assumes a standstill position in terms of number and type of placements. Given the volatility of this area of activity with placement costs for the most complex children costing up to £0.250m per child in a full year, this brings a risk that any increase in number or escalation of placement type will have an adverse impact on the future financial position, conversely a reduction in a number of these high cost placements may result in an underspend in this budget area. The placement forecast does not yet account for any management actions to mitigate the overspend.

**Leaving Care: adverse £0.241m, movement; adverse £0.021m**

The successful placement of 16 and 17-year olds into Pathway to Independence (P2i) accommodation has created a pressure on the Leaving Care budget of £0.241m. In addition to being a positive outcome for these young people, it has contributed to reducing the costs of external placements.

**Unaccompanied Asylum-Seeking Children (UASC): favourable -£0.139m; movement; £nil**

An increase in the grant rate for over 18 Unaccompanied Asylum-Seeking Children (UASC) has increased grant income by £0.139m.

**Transport: favourable -£0.000m, movement; favourable -£0.200m**

A review of use of transport for contact visits is being undertaken by the service and management action is being taken to address the previous months overspend.

**Allowances: favourable -£0.189m, movement; adverse £0.111m**

A reduction in the projected volumes of allowances across Permanence since last year has given rise to a forecast underspend of £0.189m. A review of the forecast model has led to a reduction in the projected underspend.

**Staffing: favourable -£0.321m, movement; adverse £0.185m**

There are £0.321m of vacancy savings across the service, in particular Emotional Health and Wellbeing and the Kinship Team, where a number of vacancies are actively being recruited to. A review of all vacancies and recruitment assumptions and an update against a savings target has reduced the projected underspend by £0.185m since last month.

**2.3. Public Health** *(Net budget £1.081m, on budget.)*

**Public Health: on budget £0.000m, movement; £nil**

As reported last month there remains an underspend projected against this budget. However, the Director of Public Health is continuing to develop a plan to use this underspend to increase capacity within the specialist public health team. This capacity would provide additional support to the developing prevention focus across the organisation and wider system.

All savings have been fully achieved for 2019/20. These were a £0.547m reduction to the Public Health Grant and £0.100m of MTFP savings.

**2.4. Economy Community and Infrastructure** *(Net budget £66.367m, -£0.371m projected underspend, favourable movement of -£0.389m from month 2)*

**Economy & Community Infrastructure: favourable variance -£0.371m, movement; -£0.389m**

Economy Community and Infrastructure's (ECI) are forecasting an underspend of £0.371m for 2019/20. The major variations are;

Highways and Transport Commissioning are projecting a £0.337m overspend which is an adverse movement of £0.062m from month 2. This is as a result of new urgent technical studies, and additional staff re-charges to District Councils to improve service levels in highways development management.

Highways is forecasting an £0.309m overspend. The £0.102m adverse movement from month 2 is due to increased legal costs and highways licence income being lower than budgeted. It is anticipated that this overspend will be addressed through additional management action that will be reported in subsequent months.

Traffic Management are forecasting a £0.181m underspend, a favourable increase of £0.156m to the underspend reported in month 2. This is due to improved

income forecasts as a result of an increase in applications for Temporary Traffic Regulation Order income (road closures and diversions) and a more consistent approach to enforcement charging.

Property Services are projecting a £0.123m underspend, this is as a result of rental income on some properties not reducing as expected due to the delay in the sale of properties. However, the underspend from month 2 has reduced by £0.050m as a number of premises have been and are expected to be vacated resulting in a reduction of rental income projections.

Transporting Somerset are £0.197m underspent which is an adverse movement of £0.067m from month 2. This in the main is due to Concessionary Fares projections. However, it is very early in the year and Concessionary Fares volumes and County Ticket take up can impact the outturn position as the year progresses. The movement from month 2 is as a result of an additional commitment for redundancy costs and more accurate data on relief/permanent staff projections.

Somerset Waste Partnership are forecasting a £0.572m underspend, a favourable movement of £0.545m from month 2. The movement is as a result of being further into the year and having more accurate waste tonnage data available to project the outturn position.

There are still a number of factors that could change forecasts including winter and emergency costs and any upturn in waste volumes and transport costs (Concessionary Fares as a result of operator's data and County Ticket).

Economy Community and Infrastructure have £3.165m of savings for 2019/20. Of this £1.796m has been achieved, £1.261m is on track to be achieved and £0.108m is unachievable but will be met through a substitute saving.

**2.5. Corporate and Support Services** (*Net Budget £22.277m, -£0.006m projected underspend, adverse movement of £0.006m from month 2*)

**Corporate and Support Services: favourable -£0.006m, movement; adverse £0.006m**

Corporate and Support Services are forecasting a minor underspend of £0.006m for 2019/20. This is due to the following;

Customers and Communities are forecasting and underspend of £0.030m. This is due to staff vacancy savings of £0.065m offset in part by a shortfall in income and additional training costs. The movement of £0.030m from month 2 is due to an increase in staff vacancies.

Democratic Services are projecting an overspend of £0.046m, this is as a result of a shortfall of Partnership Governance funding and £0.037m of MTFP savings (Member allowances voluntary deduction, Partnership Governance income generation and Democratic Services demand management) that are unachievable. These savings are unachievable due to the business need to continue as the Host Authority for several significant Partnership Governance arrangements and additional work as part of the Improving Lives Programme and Peer Challenge recommendations for Member training and the review of the council's scrutiny function.

Legal Services are £0.037m overspent, this is in part due to the Coroners budget overspend on conveyance of bodies and pathologist costs. Also, the anticipated cost of counsel fees for 2019/20 resulting in an overspend, this will be reviewed throughout the year.

Commercial and Procurement are forecasting an £0.093m underspend, as a result of a number of staff vacancies that are yet to be filled and staff MTFP savings being achieved earlier than anticipated. The movement from the month 2 position of £0.081m underspent is due to further staff vacancies.

The ICT budget is projecting an £0.035m overspend for 2019/20 due to the under recovery of income. This will be reviewed throughout the year through budget monitoring. The £0.007m movement from month 2 is due to increased staff and software costs.

All other areas within Corporate and Support Services are anticipated to come in on budget for 2019/20 at this stage.

Corporate & Support Services have £3.577m of savings for 2019/20. Of this £3.201m has been achieved, £0.326m is on track to be achieved and £0.049m is currently unachievable. This is made up of £0.037m of unachievable savings within Democratic Services for income recovery and generation and a £0.012m unachievable saving in Legal Services which is pending change control.

**2.6. Non-Service** (*Net budget £28.257m, -£0.410m projected underspend, adverse movement of £0.860m*)

**Contingencies: favourable -£0.662m, movement; adverse £0.784m**

The 2019/20 budget included £7.226m in a corporate contingency to mitigate against the risk of unexpected in-year service pressures and or funding changes. This sum is now £6.728m following the agreed recommendation to transfer £0.498m to fund some of the pressure within Children's Services for SEN transport (as per July Cabinet meeting). At this stage in the year it is prudent for this

contingency budget to be shown as fully committed however an element is being shown as a favourable variance to off-set the small overspend of £0.667m currently forecast in service areas and Trading Units which is a movement of £0.777m from month 2. If the current overspend in other services and Trading Units is not mitigated by additional management action the remaining available contingency budget would be £6.061m. If no other pressures materialise during the year the outturn position would be an overall underspend of this sum for the authority.

**Pay Award: adverse £0.076m, movement; adverse £0.076m**

This is the second year of the Governments national 2% pay offer for local government workers and in view of this the Council budgeted £3.017m (including increments) for 2019/20. Now that the actual pay award and increments have been calculated by each service the Council is reporting an adverse variance of £75,600 which is 2.5% of the pay award budget and a marginal variance compared to total pay bill for the Authority.

**2.7. Trading Units: (Net budget £0.00m, adverse £0.290m projected outturn position)**

**Dillington House: adverse £0.290m, movement; £nil**

Dillington is currently forecasting a deficit of £0.290m following the latest monthly budget/performance review of month 3 accounts. The variance reflects revised projections of income levels across all areas of activity. Costs have also been adjusted to reflect the reduction in forecast bookings, particularly for weddings. A development plan has been formulated and work is on-going to generate additional income wherever possible for this year and secure bookings for future years.

An additional analytical review of the trading position for Dillington will be carried out during September with a view to report with more confidence an update as part of quarter 2 budget monitoring which will also indicate future year forecasts.

**Support Services for Education: on budget £0.000m, movement; £nil**

A reduction in income levels across Somerset Music, Somerset Centred Initial Teacher Training (SCITT) and Health and Safety have resulted in deficits within the service of £0.059m. This is due to reduced buyback and three trainees withdrawing from the SCITT programme.

Contract Support's deficit of £0.029m is due to increased contract costs from Kier because of a greater inflationary increase than we were anticipating at the time of setting forward budgets. This is currently being disputed.

These deficits are partly being offset by £0.021m of surplus predominantly in our outdoor education centres due to increased traded income from additional bookings.

The current projected deficit of £0.067m is expected to be managed through efficiencies and increased traded income.

**2.8. Delivery of Savings**

The Financial Imperative approach, established to manage the preparation and delivery of MTFP continues to provide assurance for the development, delivery and validation of savings plans. Business Change continues to prioritise resources to support this and processes and assurance mechanisms have been improved for 2019/20 informed by lessons learnt reviews and feedback from Audit.

The different savings statuses are as follows:

- Red: This means that the saving has been identified as being at risk of delivery and plans to replace the saving have not yet been agreed via the change control process.
- Green: The saving is on track for delivery.
- Blue: The saving has been delivered.

Savings proposals included within the 2019/20 budget are made up of savings agreed as part of MTFP 2018/19 additional savings agreed at Cabinet in September 2018 (MTFP2) and savings agreed as part of MTFP 2019/20.

99% of the proposals for change have been classified as having a green or blue status, meaning service directors are confident that these savings will be delivered or in the case of the blue savings, they have already been delivered. 1% of savings proposals have been classified as red meaning the savings are currently at risk or replacement savings have not been agreed through the change control process. The monitoring of the delivery of the savings across the three decision processes can be seen in Appendix B.

The following table (Table 3) shows a summarised breakdown of achievement of combined savings for 2019/20. Please note that these numbers are valid as at 30 June 2019.

**Table 3 – Revenue Savings 2019/20**

Area	Agreed Savings (£)	Red (at risk) £	Green (on track) £	Blue (delivered) £
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Adult Services	5,506,800	-	1,962,000	3,544,800
Children's Services	4,592,825	5,800	1,246,525	3,340,500
Corporate & Support Services	3,576,500	49,300	326,403	3,200,797
Economic & Community Infrastructure	3,165,300	10,000	1,256,100	1,899,200
Non-Service	4,708,800	-	-	4,708,800
<b>Total</b>	<b>21,550,225</b>	<b>65,100</b>	<b>4,791,028</b>	<b>16,694,097</b>
<b>Percentage of Delivery</b>		<b>0.30%</b>	<b>22.23%</b>	<b>77.47%</b>

## 2.9. Aged Debt Analysis

The overall debt position shows a total gross debt of £10.874m, of which £2.116m (19%) is over 90 days old. This is an improvement on last year, where the figure was 34% at quarter 1. Previous areas where debt has been difficult to collect promptly have improved. A summary of aged debt can be found in Table 4 below

Detailed debt information is reported to Audit Committee on a quarterly basis. In addition, last year, a SWAP audit report was issued on debt management, which informed updates to the Income Code of Practice. Mandatory training awareness sessions have also been provided to all officers involved in actively managing debt and additional support has been provided to services on specific debt management processes and controls.

Members are reminded that over the last 3 years, the Council has collected 99% of all the debt raised on our Accounts Receivable system.

**Table 4 – Aged Debt Analysis by Service**

Service	Not Overdue	0-30 Days	31-90 Days	91-365 Days	365+ Days	Total (Gross)
	£m	£m	£m	£m	£m	£m
<b>Adult Services</b>	0.088	4.707	0.519	0.723	0.370	<b>6.407</b>
<b>Children &amp; Families Operations</b>	0.009	(0.001)	0.004	0.002	0.006	<b>0.020</b>
<b>Children &amp; Learning Commissioning</b>	0.044	0.018	0.140	0.052	0.003	<b>0.257</b>
<b>Schools &amp; Early Years</b>	0.026	0.023	0.011	0.004	0.006	<b>0.070</b>
<b>Public Health</b>	0.000	0.000	0.007	0.010	0.000	<b>0.017</b>
<b>Economic &amp; Community Infrastructure</b>	0.097	1.048	0.606	0.742	0.164	<b>2.657</b>

<b>Corporate &amp; Support Services</b>	0.024	0.385	0.023	0.026	0.007	<b>0.465</b>
<b>Support Services for Education (Trading Units)</b>	0.004	0.886	0.090	0.001	0.000	<b>0.981</b>
<b>Total (£m)</b>	<b>0.292</b>	<b>7.066</b>	<b>1.400</b>	<b>1.560</b>	<b>0.556</b>	<b>10.874</b>
<b>Total (%)</b>	<b>3%</b>	<b>65%</b>	<b>13%</b>	<b>14%</b>	<b>5%</b>	<b>100%</b>

### **Adult Services: £6.407m**

Debts over 30 days old have reduced by £0.879m since the figure reported at Outturn following a lot of focus on the debt position by the Adults Finance Team. The current amount of debt over 30 days stands at £1.612m and of this £0.502m relates to invoices that are in dispute with Somerset Clinical Commissioning Group. Discussions are taking place to resolve these as quickly as possible. There are also a number of debts relating to client contributions and these have been referred to legal services for further action to be taken.

### **Children's Services: £0.277m**

Of the debts over 30 days, the majority (61%) relates to 3 invoices owed by partner health authority for the recoupment of interagency fees of children in care and the annual NHS contribution to the Somerset Safeguarding Children's Board (SSCB). These invoices are not in dispute and settlement is due imminently.

### **Economic & Community Infrastructure: £2.657m**

ECI are reporting a total of £0.906m outstanding debt over 90 days old. These debts are all being actively chased by services or by legal/debt recovery. The majority of these debts are for Engineering Design and Property Services.

### **Corporate & Support Services: £0.465m**

The total value of debts over 90 days is £0.033m, all debts are being actively chased or have been referred Legal/Debt recovery.

### **Support Services for Education: £0.981m**

The majority of debt (90%) is under 30 days old and relates to services and courses purchased via the SSE website. This is expected to be recovered in line with the timescales set out within the Income Code of Practice.

## **2.10. Improving Lives Programme**

During Quarter 4 of 2018/19 the evolution and transition of the former Core Council Programme into the Improving Lives Programme was completed. The



Council continues to build on the foundations laid by our Core Council and Financial Imperative Programmes in 2018/19, which established financial control and sustainability and enabled us to bring our focus to a transformational redesign of the Council.

The Improving Lives Programme (ILP) is an overarching strategically important programme that has a vision aligned to the County Plan. The ILP will redesign the organisation to create a sustainable Council and a culture that promotes innovation and values our staff. It will enable the Authority to better manage demand and put prevention at the heart of its thinking. It also incorporates the Children's Transformation Programme and the continued Financial Imperative focus (as detailed above)

The ILP Programme has 4 Design themes

- **Behaviours and Cultures** - Ensuring that we have the right skills, tools, values and behaviours to improve lives across the County.
- **Commissioning for the Future** - Working as one organisation and in partnership with others to prioritise early intervention and prevention, encourage self-help and commission creatively and to ensure value for money.
- **Managing Demand and Building Stronger Communities** - Developing a shared vision with our communities focussed on improving lives. It should mean emphasising prevention so demand on our statutory services is minimised and workstreams are aligned to these areas of focus
- **Helping People to Help themselves** - Empowering our residents to help themselves wherever possible. We will do this by providing the right advice and information and encouraging and supporting more customer self-service via digital channels and a lot of work has commenced under the Digital Customer Workstreams

The programme continues to be mobilised with the last 3 months focusing on developing the scope of the programme and associated delivery plans to provide a firm foundation to enable a transition into a delivery phase later in 2019. Governance has been put in place to establish clear and effective organisation and assurance reporting commenced in June.

The Senior Leadership Team have been working on a shared narrative of the Programme, allowing each to bring to life the vision of the Programme as well as the expectations on their staff. A varied and engaging session for Strategic and Service Managers was held in June, where staff exhibited 15 examples of where the design principles are being brought to life across SCC. There are plans to

replicate this session, in a roadshow form, thereby promoting the Programme design themes and reaching as many staff and Councillors as possible.

Significant strides have been made in identifying the resources and skills that will be required to drive the Programme forward. Business Cases, from across the design themes, have been approved and the majority of posts are now filled, or appointments have been made pending start dates. Building this capacity will form the foundation to scope and deliver the cross cutting transformational activity to follow.

Key enabling activity to build capability is being progressed. The Somerset's People Attributes have been launched with a delivery plan to promote their adoption across services and embed these new behaviours and attitudes required to support new ways of working in SCC's practice by April 2020. The Somerset Mini-Academies, a training and development approach to develop commissioning capability across SCC, has also been scoped for further development in the Autumn.

The £0.850m Prevention Fund's is an opportunity for proposals to be developed by service areas in discussion with the relevant Cabinet Member and must focus on preventing needs/or the escalation of need in order to reduce future demands on SCC service. The fund has attracted good levels of interest with four Business Cases, asking for total funding of £0.600m, being approved by the Senior Leadership team. Once the business cases have followed due process the bids will be monitored through the Improving Lives Programme governance.

### **Children's Transformation**

This programme wraps governance, rigour and assurance around a number of workstreams which collectively intend to deliver improved outcomes for Children within a sustainable budget. Workstream plans are underway with leads in place and meetings held regularly with the Board Chair to challenge progress and identify risks, issues and decisions that require escalation.

Workstreams such as Placements and Systems Review have received particular attention in terms of savings opportunities identified and deep dive sessions held with the leads of these areas to ensure the Board understands progress within the context of the volatility of Children's service demand.

This period the Inclusion Service submitted a report outlining the 3-year plan to address the Designated Schools Grant (DSG) deficit which is also tracked in this programme due to the High Needs component of the DSG.

Integral to the success of this Programme is a focus on workforce development and required cultural and behavioural change across the system based on an agreed vision and set of shared values and outcomes, and which is being led by the Director of HR/OD. Workstream outcomes align to The Improving Lives programme with improvement opportunities identified such as the 'Family Front Door' project within the Early Help workstream highlighted as having a digital customer element to it which supports the themes of demand management, prevention, self-service thinking and commissioning for the future.

### **Adults Transformation**

From April 2019 Adults re-set their transformation priorities and the scope of their Transformation Programme for the next 3-5 years which builds upon our Promoting Independence Strategy. The Programme has transitioned to being service led and the scope, plan and activity baseline for each Theme has been developed and aligned to ILP Design principles. This is now being used to review and identify opportunities to take into the Improving Lives Programme as well as identifying dependencies.

### **3. Options considered and reasons for rejecting them**

- 3.1.** There is no alternative but to undertake effective and thorough budget monitoring to follow through with appropriate actions to address any variances.

### **4. Background Papers**

- 4.1.**
- 8<sup>th</sup> July 2019 Cabinet Month 2 Budget Monitoring Report

## Annex A – Revenue Budget Monitoring (month 3) – Headline Summary Table

Service	Total Revised Budget	Net Variance Adverse / (Favourable)	Planned Use of Earmarked Reserves	Planned Use of Capital Receipts Flexibilities	Net Variance (Under) / Overspend		Previous Cabinet Report Net Variance	Movement from Previous Cabinet Report
	£m	£m	£m	£m	£m	%	£m	£m
Adult Services	<b>126.614</b>	3.454	(2.830)	(0.624)	<b>0.000</b>	<b>(0.00%)</b>	0.000	<b>0.000</b>
Children & Families - Operations	<b>58.554</b>	0.433	0.000	0.000	<b>0.433</b>	<b>0.74%</b>	0.417	<b>0.016</b>
Children & Learning - Commissioning	<b>24.818</b>	0.064	0.000	0.000	<b>0.064</b>	<b>0.26%</b>	* 0.059	<b>0.005</b>
Public Health	<b>1.081</b>	0.000	0.000	0.000	<b>0.000</b>	<b>0.00%</b>	0.000	<b>0.000</b>
Economic & Community Infrastructure Services	<b>66.367</b>	1.131	(0.780)	(0.723)	<b>(0.371)</b>	<b>(0.56%)</b>	0.018	<b>(0.389)</b>
<b>Key Services Spending</b>	<b>277.433</b>	<b>5.082</b>	<b>(3.610)</b>	<b>(1.347)</b>	<b>0.126</b>	<b>0.05%</b>	<b>0.494</b>	<b>(0.368)</b>
Corporate & Support Services	<b>22.277</b>	(0.033)	1.214	(1.186)	<b>(0.006)</b>	<b>(0.02%)</b>	(0.012)	<b>0.006</b>
Non-Service Items	<b>28.257</b>	(3.767)	3.357	0.000	<b>(0.410)</b>	<b>(1.45%)</b>	* (0.772)	<b>0.362</b>
Trading Units	<b>0.000</b>	0.290	0.000	0.000	<b>0.290</b>	<b>0.00%</b>	0.290	<b>0.000</b>
<b>Support Services &amp; Corporate Spending</b>	<b>50.534</b>	<b>(3.510)</b>	<b>4.570</b>	<b>(1.186)</b>	<b>(0.126)</b>	<b>(0.25%)</b>	<b>(0.494)</b>	<b>0.368</b>
<b>Total SCC Spending</b>	<b>327.967</b>	<b>1.572</b>	<b>0.960</b>	<b>(2.532)</b>	<b>0.000</b>	<b>0.00%</b>	<b>0.000</b>	<b>0.000</b>

Total Revised Budget = Revised budget after transfers between services, not affecting the total budget for 2019/20

Adverse variance = one that deteriorates the projected outturn position

(Favourable) variance = one that improves the projected outturn position

\* Children & Learning Commissioning and Non-Service "Previous Cabinet Report Net Variance" has been adjusted to reflect the transfer from contingency of £0.498m as approved by Cabinet at their meeting on 8<sup>th</sup> July 2019.

## Appendix A – Planned use of Capital Receipts Flexibilities

Service		Original Planned Costs £m	Current Forecast Costs £m	Previous Forecast Costs £m	Description
Adult Services	Learning Disabilities	0.624	<b>0.624</b>	0.624	Contractual transformation costs
Children and Families	Getset	0.055	<b>0.000</b>	0.000	Supporting the Family Support Service model
ECI Services	Property	0.206	<b>0.206</b>	0.206	Costs associated with property rationalisation and transforming the use of assets
	Economic Development	0.381	<b>0.381</b>	0.381	Supporting the roll-out of Broadband, underpinning how services can be delivered to the public
	Commissioning	0.070	<b>0.070</b>	0.070	Commissioning development and working towards integrated commissioning solutions
	Libraries	0.066	<b>0.066</b>	0.000	Costs associated with the activity supporting the Library transformation
<b>Key Services</b>		<b>1.402</b>	<b>1.347</b>	<b>1.281</b>	

Corporate and Support Services	Core Council Programme	1.006	<b>0.802</b>	0.981	Costs within the Core Council Programme team who support transformational projects across the Council
	ICT and related costs	0.233	<b>0.220</b>	0.227	Costs associated with supporting the digital transformational changes across the Council
	Customers and Communities	0.154	<b>0.154</b>	0.154	Costs supporting the transformation of the customer "front door" service delivery
	Community Governance	0.000	<b>0.010</b>	0.000	Costs for the Cabinet Member for Education and Transformation who supports transformational work for the Council.
<b>Support Services and Corporate</b>		<b>1.393</b>	<b>1.186</b>	<b>1.362</b>	
<b>SCC Total</b>		<b>2.795</b>	<b>2.533</b>	<b>2.643</b>	

## Appendix B – Delivery of Savings Summary 2019/20

### Savings agreed in February 2019 for 2019/20:

Area	Agreed Savings (£)	Red (at risk) £	Green (on track) £	Blue (delivered) £
Adult Services	3,389,000	-	1,962,000	1,427,000
Children's Services	1,701,025	-	98,325	1,602,700
Corporate & Support Services	2,955,900	-	270,503	2,685,397
Economic & Community Infrastructure	2,307,200	10,000	766,200	1,531,000
Non-Service	4,708,800	-	-	4,708,800
<b>Total</b>	<b>15,061,925</b>	<b>10,000</b>	<b>3,097,028</b>	<b>11,954,897</b>
<b>Percentage of Delivery</b>		<b>0.07%</b>	<b>20.56%</b>	<b>79.37%</b>

### Savings agreed in September 2018 (MTFP2) for 2019/20:

Area	Agreed Savings (£)	Red (at risk) £	Green (on track) £	Blue (delivered) £
Adult Services	1,717,800	-	-	1,717,800
Children's Services	2,891,800	5,800	1,148,200	1,737,800
Corporate & Support Services	564,700	49,300	-	515,400
Economic & Community Infrastructure	842,400	-	489,900	352,500
Non-Service	-	-	-	-
<b>Total</b>	<b>6,016,700</b>	<b>55,100</b>	<b>1,638,100</b>	<b>4,323,500</b>
<b>Percentage of Delivery</b>		<b>0.92%</b>	<b>27.23%</b>	<b>71.86%</b>

### Savings agreed in February 2018 for 2019/20:

Area	Agreed Savings (£)	Red (at risk) £	Green (on track) £	Blue (delivered) £
Adult Services	400,000	-	-	400,000
Children's Services	-	-	-	-
Corporate & Support Services	55,900	-	55,900	-
Economic & Community Infrastructure	15,700	-	-	15,700
Non-Service	-	-	-	-
<b>Total</b>	<b>471,600</b>	<b>-</b>	<b>55,900</b>	<b>415,700</b>
<b>Percentage of Delivery</b>		<b>0.00%</b>	<b>11.85%</b>	<b>88.15%</b>

**ALL Combined Savings for 2019/20:**

Area	Agreed Savings (£)	Red (at risk) £	Green (on track) £	Blue (delivered) £
Adult Services	5,506,800	-	1,962,000	3,544,800
Children's Services	4,592,825	5,800	1,246,525	3,340,500
Corporate & Support Services	3,576,500	49,300	326,403	3,200,797
Economic & Community Infrastructure	3,165,300	10,000	1,256,100	1,899,200
Non-Service	4,708,800	-	-	4,708,800
<b>Total</b>	<b>21,550,225</b>	<b>65,100</b>	<b>4,791,028</b>	<b>16,694,097</b>
<b>Percentage of Delivery</b>		<b>0.30%</b>	<b>22.23%</b>	<b>77.47%</b>





**Decision Report - Non-Key Decision**

Forward Plan Reference: FP/19/06/11

Decision Date - 14/08/19

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**Local Government and Social Care Ombudsman Report Outcome**

Cabinet Member(s): Cllr David Huxable - Cabinet Member for Adult Social Care

Local Member(s) and Division: N/A

Lead Officer: Stephen Chandler, Director of Adult Social Services, Lead Commissioner.

Author: Kath Wevell, Team Leader- Customer Experience and FOI

Contact Details: Tel 01823 359086 or email [kwevell@somerset.gov.uk](mailto:kwevell@somerset.gov.uk)

**1. Summary**

**1.1.** The role of the Local Government and Social Care Ombudsman (LGSCO) is to independently and impartially investigate complaints. They have no legal power to force councils to follow their recommendations.

**1.2** Ms X complained to the LGO that the Council had failed to clearly address her eligibility for care and support under the Care Act 2014 (The Act). The Council believed it had completed an assessment using the Care Act eligibility outcomes.. The Care Act eligibility outcomes are as follows:

- managing and maintaining nutrition
- maintaining personal hygiene
- managing toilet needs
- being appropriately clothed
- maintaining a habitable home environment
- being able to make use of the home safely
- developing and maintaining family or other personal relationships
- accessing and engaging in work, training, education or volunteering
- making use of necessary facilities or services in the local community including public transport and recreational facilities or services
- carrying out any caring responsibilities the adult has for a child

The Assessor had provided a professional summary of how each Care Act eligible outcome was being met and suggestions for community led solutions. However, the Council assessor had not included the words under each eligible outcome to determine whether Ms X was eligible or non-eligible under the Care Act. The LGSCO therefore found this assessment by Somerset County Council to be non-Care Act compliant.

The Ombudsman has instructed the Local Authority to update its assessment for Ms X so that it includes a clear decision on eligibility, as required by the Care Act, and shares this with her. The LGSCO advises the Council takes action to ensure all its assessments include clear written

decisions on eligibility by informing assessors of the need to do this; updating its guidance for officers; and providing the Ombudsman with evidence that it has done this and to publicise the findings. The Council must consider the report and confirm within three months the action it has taken or proposes to take. The Council should consider the report at its full Council, Cabinet, or other appropriately delegated committee of elected members and will require evidence of this to be shared with the Ombudsman. (Local Government Act 1974, section 31(2), as amended)

- 1.3** Adult Social Care has, in line with the recommendations, considered the report and will confirm within three months the action it has taken or proposes to take. The report should be considered at its full Cabinet. The Council has agreed to write to apologise to Ms X and pay her £250 for the trouble it has put her to in pursuing her complaints. To update its assessment for Ms X so that it includes a clear decision on eligibility, as required by the Care Act, and share this with her and take action to ensure all its assessments include clear decisions on eligibility by updating its guidance for officers; informing assessors of the need to do this; and providing the Ombudsman with evidence that this has been completed. The paperwork has been implemented across the service to provide a level of consistency and will facilitate staff to record our conversations. The assessment document, support plan and staff guidance has been shared with the Ombudsman.

## **2. Recommendations**

- 2.1.** That Cabinet note the report, its findings and endorse the actions taken by the Director of Adults Social Services as recommended by the Ombudsman.

## **3. Links to County Vision, Business Plan and Medium-Term Financial Strategy**

- 3.1.** The Adult Social Care documentation will strengthen the operational conversations with individuals, families and carers.

## **4. Consultations and co-production**

- 4.1.** ASC documentation has been developed with Legal advice, consultation with family, carers and staff and has been shared with the Ombudsman.

## **5. Financial and Risk Implications**

- 5.1.** No ongoing funding implications. However, failure to change our documentation could have led to further challenge from the Ombudsman which could lead to their recommendation to financially remedy the individual.

## **6. Legal and HR Implications**

- 6.1.** Paperwork has been developed in line with recommendations and guidance from Legal Services.

## **7. Other Implications**

### **7.1. Equalities Implications**

No implications

### **7.2. Community Safety Implications**

No implications

### **7.3. Sustainability Implications**

The impact of the new ASC documentation will strengthen the operational practice in identifying and delivering positive outcomes for individuals. It will support in the robust determination of eligibility under the Care Act and clearly identify outcomes for individuals, families and carers detailing how these will be met.

### **7.4. Health and Safety Implications**

This will not impact on Health and Safety.

### **7.5. Health and Wellbeing Implications**

No implications

### **7.6. Social Value**

Not applicable

## **8. Scrutiny comments / recommendations:**

- 8.1.** Not applicable.

## **9. Background Papers**

- 9.1.** ASC documentation attached.

## **Report Sign-Off**

		Signed-off
Legal Implications	Honor Clarke	24/07/19
Governance	Scott Woodridge	24/07/19
Corporate Finance	Sheila Collins	26/07/19
Human Resources	Chris Squire	n/a
Property	Paula Hewitt / Claire Lovett	24/07/19
Procurement / ICT	Simon Clifford	24/07/19
Senior Manager	Stephen Chandler or Mel Lock	17/07/19
Commissioning Development	Vikki Hearn	n/a
Local Member	<u>N/A</u>	n/a
Cabinet Member	Cllr David Huxable - Cabinet Member for Adult Social Care	29/07/19
Opposition Spokesperson	Cllr Bill Revans	06/08/19
Scrutiny Chair	Cllr Hazel Prior-Sankey - Adult's Scrutiny	31/07/19

**Report by the Local Government and Social Care  
Ombudsman**

**Investigation into a complaint against  
Somerset County Council  
(reference number: 18 012 742)**

**5 June 2019**

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## The Ombudsman's role

For 40 years the Ombudsman has independently and impartially investigated complaints. We effectively resolve disputes about councils and other bodies in our jurisdiction by recommending redress which is proportionate, appropriate and reasonable based on all the facts of the complaint. Our service is free of charge.

Each case which comes to the Ombudsman is different and we take the individual needs and circumstances of the person complaining to us into account when we make recommendations to remedy injustice caused by fault.

We have no legal power to force councils to follow our recommendations, but they almost always do. Some of the things we might ask a council to do are:

- > apologise
- > pay a financial remedy
- > improve its procedures so similar problems don't happen again.

Section 30 of the 1974 Local Government Act says that a report should not normally name or identify any person. The people involved in this complaint are referred to by a letter or job role.

Key to names used

Ms X            The complainant

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## Report summary

### Adult social care

Ms X complains the Council has failed to do what it agreed to do when we closed her previous complaint, as it has failed to clearly address her eligibility for care and support under the Care Act 2014.

### Finding

Fault found causing injustice and recommendations made.

### Recommendations

We recommend the Council:

- writes to apologise to Ms X and pays her £250 for the trouble it has put her to in pursuing her complaints;
- updates its assessment for Ms X so that it includes a clear decision on eligibility, as required by the Care Act, and shares this with her;
- takes action to ensure all its assessments include clear decisions on eligibility by:
  - informing assessors of the need to do this;
  - updating its guidance for officers; and
  - providing us with evidence that it has done this.

The Council has accepted our recommendations.

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## The complaint

1. Ms X complains the Council has failed to do what it agreed to do when we closed her previous complaint, as it has failed to clearly address her eligibility for care and support under the Care Act 2014.

## Legal and administrative background

2. We investigate complaints about ‘maladministration’ and ‘service failure’. In this report, we have used the word fault to refer to these. We must also consider whether any fault has had an adverse impact on the person making the complaint. We refer to this as ‘injustice’. If there has been fault which has caused an injustice, we may suggest a remedy. (*Local Government Act 1974, sections 26(1) and 26A(1), as amended*)
3. The Care and Support Statutory Guidance (Statutory Guidance) says:
  - *“The assessment and eligibility process provides a framework to identify any level of need for care and support so that local authorities can consider how to provide a proportionate response at the right time, based on the individual’s needs. Prevention and early intervention are placed at the heart of the care and support system, and even if a person has needs that are not eligible at that time, the local authority must consider providing information and advice or other preventative services. Local authorities must also consider the person’s own strengths or if any other support might be available in the community to meet those needs. The assessment and eligibility framework provides for ongoing engagement with the person so where they have eligible needs they are involved in the arrangements put in place to deliver the outcomes they want to achieve.” Paragraph 6.6*
  - *“Eligibility determinations must be made on the basis of an assessment, and cannot be made without having first carried out an assessment.” Paragraph 6.12*
  - *“During the assessment, local authorities must consider all of the adult’s care and support needs, regardless of any support being provided by a carer.” Paragraph 6.15*
4. To have eligible care needs all the following must apply.
  - a) The needs must arise from or be related to a physical or mental impairment or illness.
  - b) Because of the needs, the adult must be unable to achieve two or more of these "outcomes":
    - managing and maintaining nutrition;
    - maintaining personal hygiene;
    - managing toilet needs;
    - being appropriately clothed;
    - being able to make use of the home safely;
    - maintaining a habitable home environment;
    - developing and maintaining family or other personal relationships;
    - accessing and engaging in work, training, education or volunteering;
    - making use of necessary facilities or services in the local community including public transport, and recreational facilities or services;



- 
- carrying out caring responsibilities for a child.
- c) Because of not achieving these outcomes, there is likely to be, a significant impact on the adult's well-being.
5. Having decided someone has eligible care needs under section 13(1) of the Care Act, councils must meet the adult's needs for care and support which meet the eligibility criteria (provided certain conditions are met).

### **How we considered this complaint**

6. We have produced this report after examining the relevant files and documents, and discussions with Ms X.
7. We gave the complainant and the Council a confidential draft of this report and invited their comments. The comments received were taken into account before we completed the report.

### **What we found**

8. Ms X's previous complaint ([18 001 415](#)) was about the failure to assess her needs properly or consider her eligibility for support properly under the Care Act 2014. We closed the complaint in July 2018 when the Council agreed to:
- reassess Ms X's needs, making sure it addresses all the required outcomes and explaining how she is able to achieve them in such a way that does not meet the eligibility threshold (if that is the case); and
  - consider what action it needs to take to make sure assessors consider all the required outcomes and provide reasons for their decisions.
9. The Council visited Ms X to reassess her on 20 September 2018. The assessment says she asked for help with:
- showering and drying;
  - dressing;
  - preparing and cooking fresh meals;
  - shopping, social events and family visits;
  - prompts/reminders for appointments and medication;
  - continence occasionally; and
  - checking skin integrity regularly.
10. The section of the assessment on eligibility addresses these outcomes.
- Maintaining and managing nutrition – Ms X is managing to shop and prepare meals and drinks, by following advice given she can continue to meet this outcome independently. Ms X accepted a referral to a Community Agent to “*support and link in with shops*”. The Council advised Ms X to use the help provided by supermarkets to wheelchair users, shop online and buy prepared vegetables.
  - Maintaining personal hygiene – Ms X said she struggled to shower safely, could not do this adequately, and was caused fatigue. The Council noted she needed advice and equipment to continue meeting this outcome and offered to refer her to the Integration Rehabilitation Service (IRT) but she refused this. It noted she paid privately for help with laundry.

- Managing toilet needs – Ms X can use and access the toilet without help. The Council advised her to contact her GP for a continence assessment to get pads to provide reassurance when she feels anxious. It said this would help her to continue to meet her toilet needs.
  - Being appropriately clothed – Ms X achieves this by wearing loose clothing that she can get into without help. The Council told her “*small pieces of equipment*” were available and the IRT could advise if she struggles on her bad days.
  - Making use of the home safely – Ms X can get around her home, has an alarm to get help should she have a fall and can access 24 hour support where she lives.
  - Maintaining a habitable home environment – Ms X achieves this by employing help privately.
  - Developing and maintaining family or other personal relationships – Ms X can get out using her mobility scooter, use the telephone and social media. A friend visits “*as often as possible*” and takes her out when she can. A community agent could help find a volunteer to help her use a wheelchair taxi to visit wider family.
  - Accessing and engaging in work, training, education or volunteering – the Council noted it could offer advice if Ms X wanted help with this.
  - Making use of necessary facilities or services in the local community, including public transport and recreational facilities or services – Ms X can access local services using her mobility scooter.
11. The assessment does not say whether Ms X has eligible care needs under the Care Act.
12. The Council says Ms X “*has eligible needs but these needs do not require a paid service from Adult Social Care as they can be met utilising community services and voluntary sectors to continue to promote [her] independence*”.
13. The Council says it has achieved our second recommendation - “*consider what action it needs to take to make sure assessors consider all the required outcomes and provide reasons for their decisions*” - by reassessing Ms X’s needs.
14. The Council follows a ‘strengths based’ approach to care needs assessments. Its guidance says:
- “*Adult social care assessments are all too often service led rather than needs led. From an asset-based perspective, in an authentic personalised social care world, individual needs and carers assessments have to clearly identify four things:*”
    1. “*What strengths, values, skills and resources the individual has/had and would like to develop?*”
    2. “*What information, advice and support does the individual need to enhance personal resilience? i.e. personal skills and knowledge development, and improve or maintain their wellbeing?*”
    3. “*Is it necessary to re-engage or develop immediate circle of support, and if so, what help or support is needed to achieve this?*”
    4. “*To the extent that 1 and 2 are not able to address identified needs, what more informal and/or formal support is required from organisations or*

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*people in the person's local community to help them source the right solutions for themselves?"*

15. There is nothing in the Council's guidance on the 'strengths based' approach to care needs assessments about the need to include a decision on eligibility. However, its Assessment and Eligibility Policy says:
- "We will follow the national eligibility rules to work out if you are eligible for our financial support to help you achieve some, or all of the things in your care and support plan. We will explain our decisions."*

## **Conclusions**

16. Although the Council's reassessment of Ms X's needs addresses the required outcomes it does not say whether she has eligible care needs. That is fault by the Council. A needs assessment must include two elements; an assessment of the adult's need for help achieving the outcomes and a decision on eligibility. In the absence of the latter, it is not clear what Ms X's eligible needs may be, or how the Council can be satisfied Ms X does not need a personal budget to meet any of them.
17. The Council has not taken any action to make sure assessments explain the reasons for eligibility decisions, as required by the Care Act, the Statutory Guidance and its own policy. That is also fault.
18. This has caused injustice to Ms X as it leaves some doubt over the outcome of her needs assessment. It has also put her to the time and trouble of pursuing her complaints to us.

## **Recommended action**

19. The Council must consider the report and confirm within three months the action it has taken or proposes to take. The Council should consider the report at its full Council, Cabinet, or other appropriately delegated committee of elected members, and we will require evidence of this. (*Local Government Act 1974, section 31(2), as amended*)
20. To rectify its faults and remedy the injustice it has caused, the Council has agreed to:
- write to apologise to Ms X and pay her £250 for the trouble it has put her to in pursuing her complaints;
  - update its assessment for Ms X so that it includes a clear decision on eligibility, as required by the Care Act, and share this with her;
  - take action to ensure all its assessments include clear decisions on eligibility by:
    - updating its guidance for officers;
    - informing assessors of the need to do this; and
    - providing us with evidence that it has done this.

## **Decision**

21. The Council was at fault because:

- 
- its reassessment of Ms X's needs does not meet the requirements of the Care Act or the Statutory Guidance; and
  - it has failed to take any action to ensure its assessors consider all the required outcomes and provide reasons for their decisions.

## Social Care Conversations

**The conversation record has been created to support a different type of conversation/assessment.** Our conversations are now more focused on what people want to tell us and what they want us to know, not just about what we want to ask them, which is why there are no service or needs led questions. However, where there are specific concerns or risks, you will need to explore these and consider information we are required to record on an UY Risk assessment and AIS.

**The most important point to remember is that this document allows you to be creative.** There is no single way of doing it or documenting it; but the outcome should be a positive record of the person whilst also identifying what issues are affecting their lives. The type of conversation and the recording of it may differ dependant on the situation. So be flexible! If the person is in a crisis situation or has an urgent need, the actions may be about putting a plan together that attempts to ease or resolve the main problem, in order to create stability.



**The conversation is about listening and connecting people to things that make their life work without us.** It should consider, and be a discussion about, all of the resources and support that we can connect the person to, within their community and networks, in order to help them get on with their lives independently.

**A conversation you undertake with an individual is not just about establishing if they meet the eligibility criteria,** but about understanding what has happened or changed that caused them to approach Adult Social Care. Similarly, a conversation with an existing service user is about establishing what has occurred that led to the need for a review and not about raising their expectations that their long term package will be increased.



**It is useful to consider what type of conversation you are anticipating** based on the information available to you prior to meeting with the individual or representative. This will help you to prepare for the discussion.

- Is this a conversation about establishing what's going on – and then helping the person to re-establish connections with family, community and their neighbourhood?
- Is this conversation about a short term crisis requiring temporary intervention, hospital discharge or prevention, all with the aim of gaining stability?
- Is this conversation in relation to someone who clearly has long term support needs?

- **The conversation**

- Do your groundwork. Before starting any conversation it's vital that you have a good awareness of the resources available within the local community
- Learn the background – What's happened?
- What does the person do or what did they enjoy doing?
- What is the person trying to get back to, i.e. what was 'normal' before the crisis, change or deterioration?
- If the individual lacks capacity gather the information from the people who know them best as well as recording the service user's point of view.
- Establish the way forward – what is the one key thing that needs to change? What needs to happen now?
- Who is available to help? What network of support and resources are available to them?
- You don't have to come up with solutions straight away. Advise the individual and family that you will have a look at what options are available and discuss with others in your team through the Peer Forum.



**Things to consider:**



- Check AIS before meeting someone to identify if there is any demographic **information missing** (Relationship contacts, GP, LPA, Appointee etc.)
- Consider **capacity** and record your findings
- Consider **advocacy**
- If there is a need to discuss **financial matters** or **advanced planning arrangements** make sure this is recorded
- Remember to consider and record any immediate **risks or safeguarding issues** including **fire safety**
- Consider whether a routine enquiry about **Domestic Violence and abuse** is appropriate at this point
- Consider whether any **basic equipment** is needed
- Consider **religion, ethnicity, gender and sexuality** where appropriate
- Consider **communication** and **Accessible Information** needs
- Consider any **carers needs**
- consider the **impact on informal carers** and their ability to maintain the current level of support

**Actions**

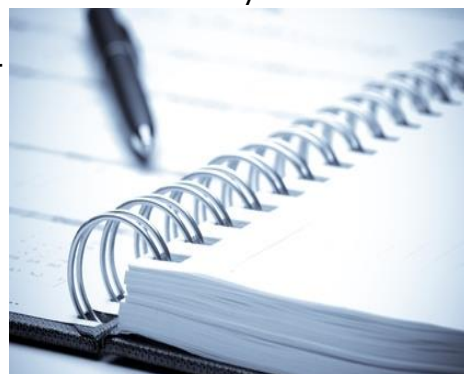


- Create a plan for the short term, not long term, and stick with the person through it
- What's the plan? What are we looking to achieve?
- Who's involved?
- Who's doing what and when?
- What's the cost?

- When will we know things have improved?

## Recording the conversation

- Include some basic information about the person and some context as to why the conversation is taking place.
- Record the conversation as it happened to give the reader a genuine representation of the discussion
- Record additional issues such as risks or safeguarding
- Record the discussions you had with others such as carers/ family and other professionals
- Make sure the actions and who is completing them are clearly defined as bullet points
- **Clearly record how and why you have reached the decisions and outcomes.** This may include decisions about eligibility, level of need, types of support or a decision about the support budget. It is important to remember that this analysis helps to evidence your decision making when challenged or scrutinised.



## The following information should be updated in AIS

- Relationship contacts/ GP details/ financial rep/ carer/
- NHS Number
- Health conditions, accommodation and employment info
- Accessible Information Needs
- Ethnicity
- LPA – enhanced decisions

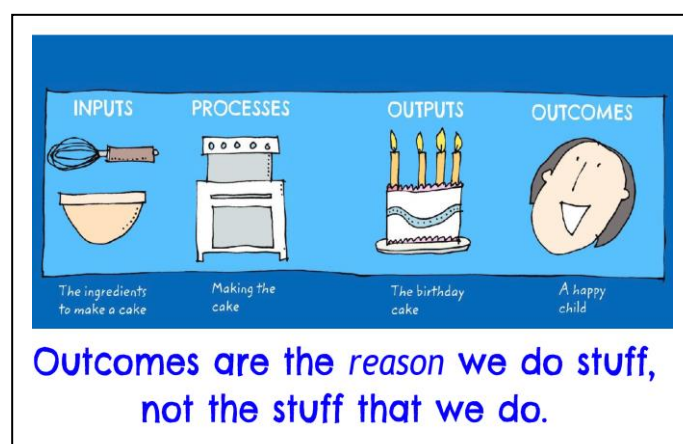


## Outcomes

What is a Person Centred Outcome.....

- Is a personal goal not a service goal
- Is something you have influence/control over
- Is measurable and specific
- May have obstacles in the way of achieving it

All these make the outcome well informed



Questions to test – Is it an outcome or a solution?

If you got your outcome....what would it...

- Give you?

- Do for you?
- Make possible for you?

A Solution.....

- Is there resource you need to achieve your outcome
- It can be an item or an activity
- It can have a cost associated with it, or be free



### To have a car

What would that:-

- **Give you?**
  - *Get me from home to where I want to go*
- **Do for you?**
  - *Let me go and see my friends once a week, go into the city shopping and get to work experience*
- **Make possible for you?**
  - *I can just do it - without mum and dads help*
  - *I have four friends*
  - *I know the shops in MK*
  - *I have work experience to travel to*

### To have a car

So what is the real outcome?

*To go and visit my friends, once a week*

*Go into the city - shopping every weekend by myself*

*(To work five days a week) To get to work experience on time.*

## Eligibility

Whilst the initial conversation is not about establishing eligibility it is important that it is still considered and that you can evidence that the person can be supported safely through signposting or a short term plan. If the person is not eligible – The conversation record should be updated to include detail about the discussion regarding eligibility to ensure that the decision can be justified.

The eligibility threshold for adults with care and support needs is set out in the Care and Support (Eligibility Criteria) Regulations 2015 (the 'Eligibility Regulations'). The threshold is based on identifying how a person's needs affect their ability to achieve relevant outcomes, and how this impacts on their wellbeing.

In considering whether an adult with care and support needs has eligible needs, local authorities must consider whether:

- The adult's needs arise from or are related to a physical or mental impairment or illness
- As a result of the adult's needs the adult is unable to achieve 2 or more of the specified outcomes (which are described in the guidance below)
- As a consequence of being unable to achieve these outcomes there is, or there is likely to be, a significant impact on the adult's wellbeing

An adult's needs are only eligible where they meet all 3 of these conditions.



## Checklist of Core Duties

Local Authorities must:



- Carry out an appropriate and proportionate assessment:
- Clearly evidence Eligibility under the Care Act
- Support the individual to lead the process
- Involve an advocate (a family member, friend or independent advocate) to help the individual through the process where the individual has capacity but has substantial difficulty understanding, retaining and using the relevant information
- Involve a person who has specific training and expertise where appropriate to carry out a safeguarding enquiry where a person may be at risk of abuse or neglect
- Ensure that the assessment is completed in a suitable time period
- Ensure that the assessment is accurate and complete - reflecting the individual's needs



## Frequently Asked Questions

### What if I have more than one conversation?

It is likely that once you are allocated a case, you will have several conversations with an individual as their situation changes. Many of these conversations will be recorded as case notes but where there is a significant discussion that leads to a change to the original actions, it should be recorded on a conversation document. Use your discretion to determine if additional information can be added to the original document creating a second version, or completing a new one altogether.

### Who should use the Conversation record?

The conversation record should be used across all professionals and services, such as Adult Social Care Workers, Social Workers, Occupational Therapists across the Community Localities, HIS and Mental Health.

### Where should I record all the needs domains?

The conversation you are having is determined by the presenting issues for the individual and they or the person who knows them best will tell you about the most relevant areas of their life that they are struggling with. If we go on to provide support whether it is long or short term, the needs and outcomes and how they can be met will be detailed in the support plan where the main headings are already present.

### How do I record risk?

The Understanding You risk assessments will remain – Please note these may change in the future.

**There isn't enough information on the conversation document for a provider service**

As mentioned above, the support plan will detail the needs and outcomes.

**There is nowhere to record the relationships, financial information, CHC or health conditions**

This information can be recorded as free text as part of the conversation record.

# Conversation Record – What Matters to Me



Completed by	[ ]		Relationship to you	
Date filled in	[ ]	Last updated	[ ]	
<b>About you</b>				
Name	[ ]		Last name	[ ]
Preferred name	[ ]	Title	[ ]	Marital status [ ]
Address	[ ]		Postcode	[ ]
Phone number	[ ]	Key safe No.	[ ]	NI number [ ]
Date of birth	[ ]	Surgery	[ ]	
AIS number	[ ]	Language and communication needs	[ ]	
NHS number	[ ]	Email address	[ ]	
Ethnicity	select		Gender	[ ]
Primary Support Reason	[select ]			
<b>About who we should contact in an emergency</b>				
If we need to contact someone in an emergency, please give their details				
First names	[ ]		Last name	[ ]
Address	[ ]		Postcode	[ ]
Contact number(s)	[ ]	Date of birth	[ ]	
Relationship to you	[ ]			
<b>About who else is involved in your care and support</b>				
Name and title		Reasons		
[ ]		[ ]		
[ ]		[ ]		
Please note if you have more than £23,250 in savings we are unlikely to be able to help you pay for support, but we are happy to assess you and offer advice. (This financial limit does not apply if we agree aids or equipment could help you).				

## Helping you understand and express your views.

Are you able to express your views yourself?

Do you want or have someone (family/friend) who can help you express your views?

If no, would you like someone from the Independent Advocacy Service to support you?

Are there any concerns about your ability to make decisions?

Are there any expressed objections in relation to particular care decisions?

## What was discussed?

## What needs to happen now and who will do it?

## Your records – Protecting your personal details

The Data Protection Act 1998 says we must:

- Only ask you for information that we need so we can help you
- Keep your information safe (on a secure computer system)
- Destroy your information when we have finished with it
- Show you and explain your information if you want to see it

We often need to share your information with other care and support organisations that we work closely with so that we can help support you. Because you, or someone on your behalf, have contacted us we will assume that you are happy for us to share your relevant information with any organisations that could meet your care and support needs.

If you would prefer that we did not share your information you will need to tell us in writing by completing the form on our information sheet **A9: Your records**.

If you choose not to share your information we may not be able to help you meet your needs, but we can provide you with information so that you can contact the relevant organisations yourself



# Eligibility Decision Tool

Person's Details	
AIS Number:	
Name:	

Has a CHC checklist been completed or CHC been considered?	<input type="checkbox"/>
Is the person eligible for section 117 aftercare?	

Condition 1	
The person's needs arise from or are related to a physical or mental impairment or illness	<input type="checkbox"/>

Condition 2	
As a result of the person's needs they are unable to achieve two or more of the outcomes (tick outcomes person not able to achieve):	
Managing and Maintaining Nutrition	<input type="checkbox"/>
Maintaining personal hygiene	<input type="checkbox"/>
Managing toilet needs	<input type="checkbox"/>
Being appropriately clothed	<input type="checkbox"/>
Being able to make use of the adults home safely	<input type="checkbox"/>
Maintaining a habitable home environment	<input type="checkbox"/>
Developing and maintaining family/ personal relationships	<input type="checkbox"/>
Accessing and engaging in work, training education and volunteering	<input type="checkbox"/>
Making use of necessary facilities in the local community including public transport and recreational facilities and services	<input type="checkbox"/>
Carrying out any caring responsibilities the adult has for a child	<input type="checkbox"/>

<b>Condition 3</b>	
<b>As a consequence there is, or is likely to be, a significant impact on the person's well-being (tick relevant areas):</b>	
Personal dignity including respect	<input type="checkbox"/>
Physical and mental health and emotional wellbeing	<input type="checkbox"/>
Protection from abuse and neglect	<input type="checkbox"/>
Control by individual over day to day life	<input type="checkbox"/>
Participation in work education training and recreation	<input type="checkbox"/>
Social and economic wellbeing	<input type="checkbox"/>
Domestic, family and personal relationships	<input type="checkbox"/>
Suitability of living accommodation	<input type="checkbox"/>
The individual's contribution to society	<input type="checkbox"/>

<b>Decision</b>			
<b>Eligible (meets all 3 conditions)</b>	<input type="checkbox"/>	<b>Not Eligible</b>	<input type="checkbox"/>

<b>Carers Eligibility</b>	
<b>As a consequence of providing necessary care to an adult, and the carer is unable to achieve the following (tick relevant areas):</b>	
The carers physical: or mental health is, or is at risk of, deteriorating	<input type="checkbox"/>
Carry out any caring responsibilities the carer has for a child	<input type="checkbox"/>
Provide care to other persons for whom the carer provides care	<input type="checkbox"/>
Maintain a habitable home environment	<input type="checkbox"/>
Managing and maintaining nutrition	<input type="checkbox"/>

Developing and maintaining family or other significant personal relationships	<input type="checkbox"/>
Accessing and engaging in work, training, education or volunteering	<input type="checkbox"/>
Making use of necessary facilities or services in the local community including recreational facilities or services	<input type="checkbox"/>
Engaging in recreational activities	<input type="checkbox"/>

Social Care worker completing Eligibility Decision Tool	
Name of Worker	
Role	
Date	



# My care and support plan



First name	Last name	AIS number
Date of Support Plan:		
Support Plan linked to Assessment dated:	Support Plan linked to Review dated:	
<b>Things I can do to achieve my outcomes</b>	<ul style="list-style-type: none"> <li>•</li> </ul>	
<b>Things others can help with, for example my family, health and local community; or equipment or assistive technology</b>	<ul style="list-style-type: none"> <li>•</li> </ul>	
<b>Things adult social care can help me with to achieve my outcomes</b>	<ul style="list-style-type: none"> <li>•</li> </ul>	

**Services organised by the Council** - If some or all of the support is provided by a council commissioned service please note the details here (including breakdown of support hours, type of night cover), to be used to set up service agreement.

**This is my agreed weekly personal budget to help me achieve my goals/ outcomes**

My agreed personal Budget	£	
My provisional contribution arrangements	£	
My agreed Personal Budget will be delivered through		
Commissioned Service	Direct Payment	Individual Service Fund

Please note that someone from our Financial Assessment and Benefits Team will arrange to talk to you or the person you have appointed to look after your finances, about your income and capital. From this they will work out how much you should contribute, if anything, towards your personal budget.

We will write to you again with your final personal budget. This will include a detailed breakdown of both the provider costs and how we worked out your contribution

**Transport**

<b>Am I eligible for subsidised transport</b>	<b>Yes</b>	<b>No</b>
<b>I would benefit from support to enable me to travel independently</b>	<b>Yes</b>	<b>No</b>

<b>Have I been given information surrounding Transport options in Somerset?</b>	<b>Yes</b>	<b>No</b>
<b>Additional information surrounding my Transport Requirements</b>		

## Reassessment of my care and support plan

I can ask for my care and support plan to be reassessed at any time if there is a change in what I am trying to achieve or in the support I need.

A reassessment of my needs will be carried out at least once a year and will help me look back at my achievements over the year. It will also establish if my personal budget will change, based on my needs at that time.

**The proposed date to reassess my care and support plan is:**

## Who to contact

My care and support plan was completed by:

My Social Care Professional is:

**If I don't have an allocated Social Care Professional I can contact Adult Social Care by phoning:**

**Somerset Direct on 0300 123 2224**

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**Award contract for care and support services to Shared Lives South West in Somerset**

Cabinet Member(s): Cllr David Huxtable, Cabinet Member for Adult Social Care Division and Local Member(s): All

Lead Officer: Mel Lock, Director of Adult Social Care

Author: Steve Veevers, Strategic Commissioning Manager

Contact Details: 07977 423588

	<b>Seen by:</b>	<b>Name</b>	<b>Date</b>
	County Solicitor	Honor Clarke	2/8/19
	Monitoring Officer	Scott Wooldridge	2/8/19
	Corporate Finance	Sheila Collins	1/8/19
	Human Resources	Chris Squire	N/A
	Property	Paula Hewitt	1/8/19
	Procurement / ICT	Simon Clifford	1/8/19
	Senior Manager	Mel Lock	26/7/19
	Commissioning Development Team	Vikki Hearn	1/8/19
	Local Member(s)		
	Cabinet Member	Cllr David Huxtable	1/8/19
	Opposition Spokesperson	Cllr Bill Revans	6/8/19
	Relevant Scrutiny Chairman	Cllr Hazel Prior-Sankey	5/8/19
<b>Forward Plan Reference:</b>	FP/19/07/02		
<b>Summary:</b>	<p>Shared Lives is where an individual or family is paid a modest amount to include an older or disabled person in their family and community life. In many cases that person goes to live with a Shared Lives carer and their family. In Somerset our Shared Lives service is not working well.</p> <p>This decision aims to improve Somerset’s provision and to improve lives for vulnerable people as well as those enrolled in the scheme.</p> <p>It is an exciting opportunity to be ambitious for our vulnerable residents. The report includes some case studies at the end of this report to paint a picture of people who benefit and the significant difference an effective Shared Lives scheme can make to them.</p>		

	<p>The recommendations will lead to increased investment and attention that will enable the Shared Lives scheme to flourish and be a vibrant provider to the people of Somerset.</p> <p>This will be delivered in partnership with an established and CQC “Outstanding” rated external provider to improve the performance of the current service, grow it through development of the scheme and widen the offer to people with other support needs.</p> <p>This paper sets out the options, financial implications and recommendation for the service to be made external to the council and the support and improvement that this would give to the scheme.</p>
<p><b>Recommendations:</b></p>	<p>That the Cabinet:</p> <ol style="list-style-type: none"> <li>1. Agrees that Appendices 01-03 &amp; 09 be treated as exempt information and be treated in confidence, as the case for the public interest in maintaining the exemption outweighs the public interest in disclosing that information.</li> <li>2. Agrees to exclude the press and public from the meeting where there is any discussion at the meeting regarding exempt or confidential information (Appendices 1-3 and 9)</li> <li>3. Approves the use of a waiver to Contract Standing Orders for the proposed contract award to Shared Lives South West</li> <li>4. Approves the award of a contract to Shared Lives South West, for a period of up to two years with an option to extend by a further year, to deliver care and support services across Somerset Shared Lives Schemes.</li> <li>5. (pursuant to recommendation 4 above) delegates authority to the Director of Adult Social Care and Director of Finance to negotiate and agree the commercial terms of the contract with Shared Lives South West, including as to the allocation of pension liabilities;</li> <li>6. (pursuant to recommendation 4 above) delegates authority to the Director of Adult Social Care, in consultation with the County Solicitor, to negotiate, conclude and enter into the contract with Shared Lives South West;</li> </ol>

<p><b>Reasons for Recommendations:</b></p>	<p>Somerset County Council, Adult Social Care is not well positioned to provide in-house services or has the specialist skills and knowledge to support the excellent service delivery that is needed. It is therefore preferable to transfer this service to another organisation with the necessary attributes to do this.</p> <p>Due to the inherent risk to people supported within the scheme, the potential organisational risk to Somerset County Council and the lack of a marketplace for effective competition, it is recommended that the transfer happens by way of a waiver and direct award.</p> <p>The service will be recommissioned through a tendering process in the end of this direct award period, this approval will enable enough time:</p> <ul style="list-style-type: none"> <li>• to recruit a registered manager</li> <li>• to invest in the service to reach standards in line with Shared Lives best practice, reach a CQC "good" rating and be a position that makes the service attractive as an opportunity for organisations to take on</li> <li>• to complete a legally compliant process to recommission Shared Lives in an appropriate and measured process during 2022.</li> </ul> <p>The accompanying confidential appendices 01-03 and 09 contain commercially sensitive information relating to the contract and the Council's financial and business affairs. Officers recommend that this is treated as exempt information. "Exempt information" is defined by Section 100 of the Local Government Act 1972, by Schedule 12A to that Act.</p>
<p><b>Links to County Vision, Business Plan and Medium Term Financial Strategy:</b></p>	<p><u>County Plan Priorities and Targets:</u></p> <p>Somerset is a safer and healthier place where:</p> <ul style="list-style-type: none"> <li>• Our most vulnerable people have the care they need and the choices they want.</li> <li>• Help vulnerable and elderly people stay in their own homes for longer.</li> <li>• Somerset is a place where people have the good quality services they need by: <ul style="list-style-type: none"> <li>○ Giving residents a voice and acting on what they say.</li> </ul> </li> </ul>

	<p><u>Adult Social Care Commissioning Intentions 2015/16 – 2016/17</u></p> <ul style="list-style-type: none"> <li>• Key Activity 1: Providing high quality care and support in a range of settings including Care at Home, Extra Care Housing and Care Homes.</li> </ul> <p><u>Social Value Policy</u></p> <p>Commissioning and procurement practices and underlying principles of:</p> <ul style="list-style-type: none"> <li>• Sustainable Procurement.</li> <li>• Taking a value for money approach, rather than lowest cost, when assessing contracts.</li> </ul>
<p><b>Consultations and co-production undertaken:</b></p>	<p>Discussions have been held between the Lead Commissioner and Operational colleagues alongside Commercial and Procurement team have taken place leading up to the production of the proposed waiver to competitive tendering and direct award recommendation.</p> <p>Commercial and procurement have appropriately commented on the plans for the direct award and waiver process.</p> <p>Initial meetings with the shared lives workers have happened, to discuss the options set out in section two of this paper, which have been positive and constructive.</p> <p>Roadshows with the shared lives carers are booked in for August to set out the next steps if the recommendations of this paper is agreed.</p>
<p><b>Financial Implications:</b></p>	<p>The new contract to provide care and support to customers who have their outcomes met by the Shared Lives service will have a total cost of £1.585m per annum in year 1.</p> <p>The above cost is broken down as Shared Lives South West operating costs of £0.398m per annum and care and support costs of £1.187m per annum.</p> <p>The current costs of delivering the service in house are £1.312m per annum meaning an increase of £0.273m in year 1, with projections for year 2 and 3 included in Confidential Appendix 1.</p> <p>Initially it is expected that the service will cost more than the current in-house delivery model, however this recognises that</p>



	<p>the local authority wishes to invest in the improvement of the service and provide a great offer for the people of Somerset.</p> <p>The contract will offer efficiency savings through the growth of the service, moving away from the current “block contract” model to a management fee and recognising the difference in payment value to need. For example, Shared Lives South West operate on a banding system and this could be implemented within Somerset.</p> <p>Further information is available in the confidential financial appendix to this report.</p>
<p><b>Legal Implications:</b></p>	<p><u>Relevant statutory duties</u></p> <p>The delivery of the Shared Lives Service by the preferred provider will assist SCC in meeting its statutory duty to meet an adult’s needs for care and support in accordance with Part 1 of the Care Act 2014.</p> <p>In taking the decision to outsource delivery of the Shared Lives Service, SCC must have due regard to the equality needs listed in section 149 of the Equality Act 2010, including the need to remove or minimise disadvantages suffered by persons who share a relevant protected characteristic. Accordingly, the equality impact assessment appended to this report must be properly analysed and considered by the Cabinet before the decisions in this report are taken. A failure to comply with the section 149 duty could lead to a legal challenge from service users affected by the decision.</p> <p><u>Contract with Shared Lives South West</u></p> <p>If the recommendations in this report are approved, the Director of Adult Social Care, with the support of SCC Legal Services, will negotiate the terms of a contract with Shared Lives South West for the delivery of the Shared Lives Service. The contract will be for an initial term of two years with a right for SCC to extend for a further one year at SCC’s discretion. The contract will include provisions enabling SCC to terminate the contract early if there are significant and/or persistent performance issues. The contract will deal with the allocation of pensions risks in relation to the employees who are transferring from SCC to the provider under TUPE.</p>

<p><b>HR Implications:</b></p>	<p>There are 4 employees affected where TUPE implications would apply therefore a consultation process with employees is required.</p> <p>Human Resources staff are fully involved in this process and initial conversations with Union representatives have occurred, and no significant objections or concerns have been raised to date.</p> <p>Working sessions with the staff involved have been productive and staff are broadly supportive of this process and commissioners have undertaken to continue the good links with staff through any transfer process.</p> <p>Commissioners will also be meeting with the self-employed Shared Lives carers to inform them of the changes to the service.</p>											
<p><b>Risk Implications:</b></p>	<p>There are risk implications in relation to ensuring sufficient continuity of existing Shared Lives Schemes, including continuity of care and support for existing customers. A sufficient supply of effective Shared Lives Carers is important to SCC's wider commissioning strategy for long term care and people being supported in their communities. Further details regarding risks and opportunities are set out in Confidential Appendix 2 &amp; 3 and in section <b>1.25</b> below.</p> <p>Soft market testing earlier this year found that there was no other provider available to undertake this opportunity, therefore Somerset has a sole supplier situation in the South West, which mitigates the risk of challenge.</p> <table border="1" data-bbox="496 1507 1423 1552"> <tr> <td data-bbox="496 1507 738 1552"><b>Likelihood</b></td> <td data-bbox="738 1507 852 1552"><b>2</b></td> <td data-bbox="852 1507 1023 1552"><b>Impact</b></td> <td data-bbox="1023 1507 1136 1552"><b>4</b></td> <td data-bbox="1136 1507 1366 1552"><b>Risk Score</b></td> <td data-bbox="1366 1507 1423 1552"><b>8</b></td> </tr> </table>						<b>Likelihood</b>	<b>2</b>	<b>Impact</b>	<b>4</b>	<b>Risk Score</b>	<b>8</b>
<b>Likelihood</b>	<b>2</b>	<b>Impact</b>	<b>4</b>	<b>Risk Score</b>	<b>8</b>							
<p><b>Other Implications (including due regard implications):</b></p>	<p>There are no specific equalities or wider social impact considerations as the re-commissioning of the integrated care and support service will build on and take into account existing arrangements.</p> <p>There are approximately 85 shared lives carers that are self – employed, contracting with Somerset County Council for the care and support being delivered to people supported.</p> <p>Commissioners will consult with those carers relating to the changes that will happen as part of the service being commissioned from a third party.</p>											

<b>Scrutiny comments / recommendation (if any):</b>	There has not been any pre-scrutiny of these proposals by the Scrutiny Committee for Adults and Health.
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## 1. Background

- 1.1. What is Shared Lives?
- 1.2. Shared Lives (SL) is where an individual or family is paid a modest amount to include an older or disabled person in their family and community life. In many cases that person goes to live with a Shared Lives carer and their family, although Shared Lives nationally is also used to support people living in their own homes, as day support, as respite care for unpaid family carers, as home from hospital care and as a stepping stone for someone to get their own place.
- 1.3. There are around 10,000 SL carers in the UK. Shared Lives carers are recruited, trained and approved by a Shared Lives scheme, which is regulated by that nation's care regulator. Shared Lives is unique in regulated adult support, in that Shared Lives carers and those they care for are matched for compatibility and then develop real relationships, with the carer acting as 'extended family', so that someone can live at the heart of their community but in a supportive family setting.
- 1.4. The Care Quality Commission (CQC), the government's social care inspectors for England, gave 38% of Shared Lives schemes the top rating of Outstanding. This is nearly double the percentages for other forms of care. 83% of all forms of support were rated good or excellent, whereas 95% of Shared Lives schemes were good or excellent. Previously, no Shared Lives scheme has been rated as "requires improvement" or "inadequate" for the last two years. The inspection regimes in the other nations don't allow for explicit comparisons of this kind, but rate Shared Lives strongly.
- 1.5. This model supports individuals to be more independent and therefore, depending upon the complexity of an individual's needs, Shared Lives schemes can reduce anticipated new spend by between £35 and £640 a week per person in comparison to traditional services. By having this alternative model of delivery there is a potential 60% reduction on spend demand for someone with a learning disability in residential care.
- 1.6. Shared Lives Plus is the overarching body and is the UK network of very small, family and community-based care and support solutions for older and disabled people: it is all about ordinary people and families contributing to the care and support of local people, sometimes in extraordinary ways.

- 1.7.** Shared Lives has been recognised by governments across the UK as crucial to the future of personalised care and support systems. Some Shared Lives schemes are delivered in-house by councils and many will continue to be.
- 1.8.** Outsourcing, however, is becoming more common, particularly in England, where the proposed right to challenge would make it much harder for councils to keep services in-house, if a voluntary organisation expressed an interest in running that service. In addition, the new right to provide requires local authorities to respond positively to requests from staff members to take services outside the authority. English councils are expected to increase personal budget uptake with most people to be enabled to take their personal budgets as a Direct Payment, which cannot be spent on an in-house council service (unlike in Scotland, where it can). The policy direction for Wales and Scotland is less explicit on these issues but in all nations, outsourcing can be seen as a way of introducing new providers and competition into previously closed markets. Some schemes have in the past driven the move to independence themselves, seeing it as a positive opportunity.
- 1.9.** We see this time of change as one of opportunity for Shared Lives services to reach many more groups and communities with their unique brand of personalised, family and community based care and support. Shared Lives is distinct from other forms of care and support. Without those differences and values being understood, there is a real risk that the gains in this group of individuals, which delivers better outcomes whilst managing demand and reductions in costs being achieved by good in-house Shared Lives schemes will be lost. Some key differences between Shared Lives and other services are:
- A service is not Shared Lives unless the appropriate processes are in place, managed by a regulated Shared Lives scheme.
  - Shared Lives carers are self-employed, not employees of the council. They are free, in theory, to contract with any registered Shared Lives scheme they wish.
  - An effective Shared Lives service is a partnership between the Shared Lives carers and their scheme. The quality of the support delivered by the scheme and of the relationship between the scheme workers and carers is crucial to the quality of the Shared Lives service.
  - Shared Lives carers don't clock on and off. They typically provide much more than they can be said to have been paid for. They expect to feel valued and they need regular breaks.
  - Shared Lives carers and service users are matched for compatibility. Successful matches pay huge dividends: they may be lifelong supportive relationships. But matching involves an up-front investment of time. Shared Lives carers have family homes, not 'vacant beds' to be filled.
  - Shared Lives is regulated as home care, not residential care and funded through council funds and also benefits, including Housing Benefit. This makes it highly competitive in comparison to residential care

and enables it to be offered to groups with lower personal budget allocations.

**1.10. Somerset Shared Lives Situation**

In Somerset, the Shared Lives scheme is targeted mainly at people with Learning Disabilities but can also be used to meet the needs of younger adults with physical disabilities, customers with mental health problems and the elderly. There are 86 Shared Lives providers that deliver packages of personal care to 150 customers who meet the eligibility criteria for Somerset County Council (SCC) funded support. Of these 86 providers, 27 providers deliver respite support to up to 9 people for incidental or regular respite, per provider over the course of the year.

**1.11.** The current contract for care and support in Shared Lives is one that is directly provided by Somerset County Council's Adult Social Care services.

**1.12.** Historically the shared Lives scheme was part of the in-house Learning Disability Provider Service (LDPS). In 2016, it was decided that the Somerset Adult Placement Scheme (Shared Lives) would be kept in house whilst the remainder of the LDPS service was outsourced. As Somerset County Council's only adult provider in-house service, it sits alongside the usual commissioning processes of contracting and monitoring of external providers.

Historically, it has provided a good service model and is valued by the people supported but with the loss of the overarching infrastructure of the LDPS, there has been little investment, the service has stagnated and has not kept up to date with current market best practice.

**1.13.** This is a national picture, not a local one, with most authorities opting to externally provide Shared Lives schemes, where generally you'll have access to a range of more skilled staff who can develop and support the network of carers to deliver safer, more responsive, and more outcomes focused care to the people being supported. SCC consider that as the skills and experience of both the carers and staff improve, the scheme will be able to support a wider range of priority needs and more complex people, ensuring the Council can match more people into a shared lives placement and reduce the reliance on more traditional models of care.

**1.14.** The more commercial approach of an external provider, with staff and resources for marketing and communications, will allow the scheme to recruit more carers and therefore support more people. From a quality perspective, Somerset will be transitioning from a situation where they have a small service with limited management cover, to having access to three registered managers, ensuring continuous access to support for safeguarding and challenging situations.

- 1.15.** SCC wish to work with a CQC rated, outstanding provider of service, Shared Lives South West, to improve the service and the experience of people, as well as expand it to provide support to a wider group of individuals (including those with mental health support needs, people with complex physical health needs and aiding older people to have a more community based option that residential or nursing care)
- 1.16.** The Council is therefore presented with an opportunity to consider several options with its sole remaining directly provided service, which has been set out in Section 2.
- 1.17. **Understanding the current and potential outcomes of Shared Lives****  
If a council is to achieve good value for money from potential providers of its Shared Lives scheme, either within or outside of its own organisation, it will first need to understand the cost-benefit of the existing scheme. This will involve understanding the scheme's:
- Costs: including hidden costs.
  - Outputs: e.g. how many people receiving which kinds of support.
  - Quality: systems for planning, gathering evidence, acting on feedback, safeguarding etc.
  - Outcomes: evidence of the differences made to people's lives.
  - Capacity: current and potential.
- 1.18.** There are a number of questions to ask about a scheme's capacity:
- Is the scheme at or exceeding capacity?
  - Is the service well used by all potential service user groups?
  - Could shared lives carers' vacancies be used more effectively?
  - Would investment in additional capacity allow the scheme to become more productive?
- 1.19.** Shared Lives Plus is aware of a number of in-house schemes who are being asked to support well over the optimum number of Shared Lives arrangements. This has two negative impacts. Firstly, the quality of placements can deteriorate because of inadequacies in setting up and monitoring matches. Secondly, the scheme has no capacity to improve productivity through more efficient working, or to innovate and develop new services.
- 1.20.** Good schemes achieve positive outcomes in areas such as:
- Mental and physical health
  - Involvement in employment/ training
  - Ability to self-care/ independent living skills
  - Number, quality, strength of unpaid relationships
  - Self-determination/ efficacy - ability to make and act on choices
  - Contribution to family and community life
  - Resilience, ability to cope with crises/ change

- 1.21.** In-house Shared Lives schemes have not always been asked to gather evidence of outcomes or even outputs data routinely, so commissioners may need to work with the existing scheme to gather evidence of outputs and outcomes before decisions are taken about development possibilities and outsourcing options. Even schemes who lack formal or academic evidence of outcomes, should be able to gather evidence from a number of sources:
- the scheme's inspection results and safeguarding record;
  - quotes from service users and their families;
  - feedback from referrers;
  - notes taken during placement reviews or needs assessments;
  - feedback collated from annual satisfaction surveys of users, carers, referrers;
  - case studies which give examples of positive outcomes;
  - formal surveys of the outcomes above: e.g. the number of unpaid relationships an individual has at referral and six or twelve months later.
- 1.22. What are the pros and cons of outsourcing?**
- Outsourcing, like any model of provision, can be done well or badly. There are a number of high quality, well-funded independent Shared Lives schemes in the network of Shared Lives Plus members who were previously 'in-house' (council-run) and where both scheme and local authority consider the move to have been an extremely positive one. There are also examples where a poor outsourcing process seems to have resulted in a reduction in the quality and effectiveness of the Shared Lives service. Selecting a provider through a competitive tendering process presents challenges if Shared Lives carers do not buy into the process, because they are self-employed people and can work with the scheme of their choice (see above).
- 1.23. Spin outs or tendering?**
- There have been some very successful transfers ('spin outs') of in-house council schemes into new independent organisations. Some of the most effective of the current independent schemes used this model and their strength has allowed them to generate significant efficiencies for their local authority customers. This is an option which should be discussed with staff, particularly in England if the new rights to challenge come into place as a result of the Localism Act 2011.
- 1.24.** The development of a new independent Shared Lives scheme goes through distinct phases:
- setting up and / or transfer;
  - early development, probably still with close local authority support;
  - growth;
  - full independence as the scheme stand on its own feet and contracts are renegotiated.
- 1.25.** There are many unpredictable variables, particularly in the early stages if the scheme is new or starting from a small-scale base. A small independent

scheme may not become cost-effective and may be very vulnerable to fluctuations or challenges until it has grown.

**1.26. The opportunities and risks of outsourcing**

When outsourcing is managed well it can achieve these outcomes:

- The ability to attract non-statutory funding (particularly if outsourced to a charity or CIC).
- The involvement of Shared Lives carers, people who use the service and families in governance, leading to improvements in carer recruitment and retention.
- A new flexibility to respond to need and develop services for new service user groups and communities.

**1.27.** Contracts can involve a clearer definition of outputs and outcomes and careful monitoring of delivery against targets.

**1.28.** None of these advantages are a given: they will require a well-planned organisation with strong management and governance. There are also risks which should be considered. Authorities planning a staff 'spin out' will need to consider the skills of the current team and those required in the new organisation:

- entrepreneurial and marketing skills;
- influencing and lobbying skills;
- strong business and financial management skills;
- a good understanding of governance responsibilities.

**1.29. Additional risks to be considered include:**

- The scheme's new freedom could lead to 'mission drift'.
- Many external providers are used to providing services with a very different culture and value base and may struggle to adapt to the expectations of Shared Lives.
- If Shared Lives carers have not been effectively engaged in the process, they may reject the new organisation and move to another scheme or leave caring altogether.

**1.30.** The risks above point to a need for the commissioner to have a good understanding of the strengths and flexibilities of Shared Lives and of the factors which are important to an effective Shared Lives service. There is also clearly a requirement for an established, formal role for Shared Lives carers, service users, families and other stakeholders to play in the outsourcing process and in developing the new provider.

**1.31.** In-house service managers sometimes express fears about the impact on quality of any outsourcing decision. It is the view that quality is not guaranteed by any particular model of delivery, and that there are example



of high quality services in both the council-run and independent sector and both are subject to the same inspection regime. It is useful to consider:

- What is currently in place in terms of Quality Assurance (QA)?
- What evidence do you have of the impact of this?
- What QA system will the new provider be expected use?

**1.32.** In addition to inspection and other quality measures, many small and medium not for profits use PQASSO or a similar QA tool to monitor and improve the quality of their structures, functions, finances and governance. The regulation and inspection regime for Shared Lives, of course, remains the same for all models of provision.

**1.33. After a contract has been awarded**

Whatever the chosen form of outsourcing, commissioners should be aware that the process may take months or years from a contract being issued until the new scheme is fully independent. This will require boundaries and expectations to be continually reviewed: simply issuing a contract and seeing the scheme as no longer the councils' responsibility is likely to result in the early failure of the new scheme. So it is important to establish the ongoing relationship between the scheme and the lead commissioner, with regular meetings about issues and clear boundaries about responsibilities. Eg: what will be the council's responsibility for the well-being of service users using the new scheme?

**1.34. Finances**

The current scheme has an overall budget of £1,311,700pa Net

**1.35. Current and potential unit costs**

There are three elements to the unit cost of Shared Lives:

1. the payment to the Shared Lives carer.
2. the full cost of the time team member(s) spend supporting that carer to deliver support.
3. the scheme's overheads.

Note: that the gross cost of the service is the total payment to the Shared Lives carer, plus the costs of running the scheme. The net cost to the council, will be the gross cost less the contribution the service user makes through Fairer Charging for their personal care, and also less any additional payments they make to the Shared Lives carer for rent, food, heating, lighting etc.

**1.36.** Shared Lives will not necessarily meet all an individual's support requirements. For instance, where Shared Lives is meeting an individual's long term support and accommodation needs through providing stable family life, that individual should nevertheless have the opportunity to take part in activities outside of their home during the day.

- 1.37.** A scheme may have several different units of support, such as a week of support and accommodation, a day of day care, or a 48 hour break. The costs of those units might also differ according to the person's level of support need. Some schemes have a clear, banded system of costs, with, for instance Band A being high need, Band B, medium need and Band C, low need. It is likely that an independent scheme would need a system of this kind, so it may be worthwhile moving to that system ahead of any outsourcing decision. Shared Lives Plus have produced a guide to carer payment models for members.
- 1.38.** Schemes should be able to estimate how many staff members were needed to deliver each kind of support and commissioners should discuss with managers whether that ratio was efficient, realistic and sustainable. Shared Lives Plus have produced guidance on calculating optimum staff workloads.
- 1.39.** The payment to the Shared Lives carer is made up of several elements:
- The user's contribution to rent, food, heating and lighting, paid for from the person's own money and/ or their benefits including Housing Benefit.
- 1.40.** The social care-funded element, paid by the council to the carer, or paid to the individual as a personal budget, which they then pay to the carer via the Shared Lives scheme. Under Fairer Charging rules, the service user's ability to contribute to this will be assessed and they may be charged for part or all of this cost.
- Anything else the scheme pays to the carer, to cover:
  - any training or supervision they are paid to attend;
  - travel expenses
  - covering when they are sick;
  - their respite;
  - their insurance;
  - CRB checks;
  - their Shared Lives Plus membership.
- 1.41.** Local arrangements as to what the Scheme covers from the list above and what the carer pays for themselves will vary. Within an area, the cost of individual carers will also vary. For instance, some may attend more training or use more sickness cover. Some carers and support arrangements need more support than others (see Shared Lives Plus Support Profiling Tool and Workload Analysis tool). Full costs of staff members may have the potential to change if there was a move from in-house to outsourcing, as councils have very different infrastructure costs to not for profits. Any potential bidder will need to work out its costs on a full cost recovery basis. This could include estimating marketing costs, finance team's time, payroll, proportion of a senior manager, CQC registration, public liability insurance.

- 1.42.** Remember that all of these figures will necessarily be estimates and averages, with a considerable margin of error, so overly detailed calculations of current and potential unit costs are likely to be misleading and counter-productive.

## **2. Options considered and reasons for rejecting them**

### **2.1. Continuing the service in house**

The service has fallen below expected standards and significant change and support for that change is required to sustain and develop the service in line with best practice and how the local authority would wish it to be delivered.

- 2.2.** To keep the service in house would be a significant strain on existing resources, who are generally without the required experience and expertise of an established and successful Shared Lives provider. The local authority currently lacks that infrastructure to deliver a safe and effective service, so would have an associated cost with rebuilding this support to the Shared Lives scheme, which would not be cost effective route for a relatively small service.

### **2.3. Withdrawing all funding and not re-commissioning the service.**

This would significantly undermine the Council's early help and prevention agenda. This option would create a significant risk to service delivery and service budgets, in particular social care, in the form of increased demand and greater intensity of presenting needs in the near future. It would also have an immediate and very significant negative impact on the exiting service users, their families and carers as well as on the current service providers. Alternative provision would need to be sourced as customers have assessed support needs.

### **2.4. Entering into a contract with an external provider to deliver the service**

Completing a waiver and direct award process for a 24 month period, with the potential to extend to 36 months whilst undertaking a legally compliant commissioning process before the end of this time and building the skills, capacity and resilience within the Shared Lives service to make it a vibrant and flourishing scheme.

- 2.5.** The reason for the length proposed of the direct award, that being 24 to 36 months, is that this is the expected time for Shared Lives South West to be able to implement the changes required in the service and simultaneously for the council to plan, review and re-commission the service in 2021 – 2022.

### **2.6. Recommendation from Commissioners**

For the Council to directly award a contract to the preferred provider (Shared Lives South West) is the recommended option as this enables service continuity, provides the time to deliver the identified improvement

plan following the last CQC rating. It will also allow commissioners to build on the existing arrangements and allow the council to add in greater flexibility for the potential tendering of any future contract arrangements as well as there being a better and more effective service.

### **3. Background Papers**

**3.1** An Independent report into the benefits of an outsourced shared lives scheme has been produced by Community Catalysts, who initiated the Somerset Micro Provider scheme, working with Derby City Council.

<https://www.communitycatalysts.co.uk/wp-content/uploads/2011/06/Derby-County-Council-Shared-Lives-for-Local-Authorities.pdf>

Confidential Appendix 1

Confidential Appendix 2

Confidential Appendix 3

Shared Lives Specification - Appendix 4

Shared Lives Service Delivery Plan - Appendix 5

Shared Lives good practice example 1- Appendix 6

Shared Lives good practice example 2 - Appendix 7

Confidential Appendix 8

## Somerset Equality Impact Assessment

Before completing this EIA please ensure you have read the EIA guidance notes – available from your Equality Officer

<b>Version</b>	<b>2</b>	<b>Date</b>	<b>2.8.19</b>
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### Description of what is being impact assessed

Shared Lives is where an individual or family is paid a modest amount to include an older or disabled person in their family and community life. In many cases that person goes to live with a Shared Lives carer and their family. In Somerset our Shared Lives service is not working well.

This decision aims to improve Somerset’s provision and to improve lives for vulnerable people as well as those enrolled in the scheme.

It is an exciting opportunity to be ambitious for our vulnerable residents. The report includes some case studies at the end of this report to paint a picture of people who benefit and the significant difference an effective Shared Lives scheme can make to them.

The recommendations will lead to increased investment and attention that will enable the Shared Lives scheme to flourish and be a vibrant provider to the people of Somerset.

This will be delivered in partnership with an established and CQC “Outstanding” rated external provider to improve the performance of the current service, grow it through development of the scheme and widen the offer to people with other support needs.

This paper sets out the options, financial implications and recommendation for the service to be made external to the council and the support and improvement that this would give to the scheme.

Evidence				
<p><b>What data/information have you used to assess how this policy/service might impact on protected groups?</b> Sources such as the <a href="#">Office of National Statistics</a>, <a href="#">Somerset Intelligence Partnership</a>, <a href="#">Somerset's Joint Strategic Needs Analysis (JSNA)</a>, Staff and/ or <a href="#">area profiles</a>, should be detailed here</p>				
Assessed care data for the customers across the affected Shared Lives schemes. Staff profile information.				
<p><b>Who have you consulted with to assess possible impact on protected groups?</b> If you have not consulted other people, please explain why?</p>				
Consultation with service users regarding the proposed award of the contract was not taken due to the timescales for implementation. Informal engagement has happened with the four members of staff employed by Somerset County Council				
Analysis of impact on protected groups				
<p>The Public Sector Equality Duty requires us to eliminate discrimination, advance equality of opportunity and foster good relations with protected groups. Consider how this policy/service will achieve these aims. In the table below, using the evidence outlined above and your own understanding, detail what considerations and potential impacts against each of the three aims of the Public Sector Equality Duty. Based on this information, make an assessment of the likely outcome, before you have implemented any mitigation.</p>				
Protected group	Summary of impact	Negative outcome	Neutral outcome	Positive outcome
Age	<ul style="list-style-type: none"> <li>There are no age related impacts of this decision</li> </ul>	☐	☒	☐

<b>Disability</b>	<ul style="list-style-type: none"> <li>The shared lives schemes supports people with a disability and there may be anxiety, due to people’s understanding of the changes that may happen.</li> <li>Adults with disabilities that live in Shared Lives benefit from receiving tailored support to enable them to live independently and this will continue after the externalising of the service.</li> </ul>	☒	☐	☐
<b>Gender reassignment</b>	<ul style="list-style-type: none"> <li>There are no gender reassignment impacts of this decision</li> </ul>	☐	☒	☐
<b>Marriage and civil partnership</b>	<ul style="list-style-type: none"> <li>This is not an affected group due to the decision</li> </ul>	☐	☐	☒
<b>Pregnancy and maternity</b>	<ul style="list-style-type: none"> <li>This is not an affected group due to the decision</li> </ul>	☐	☒	☐
<b>Race and ethnicity</b>	<ul style="list-style-type: none"> <li>There is a requirement that people that may have other communication needs, through language, race, ethnicity or disability and it is recognised that support may be needed to understand the decision and changes.</li> </ul>	☒	☐	☐
<b>Religion or belief</b>	<ul style="list-style-type: none"> <li>This is not an affected group due to the decision</li> </ul>	☐	☒	☐

<b>Sex</b>	<ul style="list-style-type: none"> <li>This is not an affected group due to the decision</li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Sexual orientation</b>	<ul style="list-style-type: none"> <li>This is not an affected group due to the decision</li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Other, e.g. carers, veterans, homeless, low income, rurality/isolation, etc.</b>	<ul style="list-style-type: none"> <li>There are 86 paid carers and many other unpaid carers in the shared lives households that will be impacted by the organisation that they contract with changing from Somerset County Council to the new provider.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Negative outcomes action plan</b>				
Where you have ascertained that there will potentially be negative outcomes, you are required to mitigate the impact of these. Please detail below the actions that you intend to take.				
<b>Action taken/to be taken</b>	<b>Date</b>	<b>Person responsible</b>	<b>How will it be monitored?</b>	<b>Action complete</b>
Consultation with the people supported and carers will happen over the three year period, to help inform and shape the tendering exercise to the	01/08/2022	Lead Commissioner	Regular contract monitoring	<input type="checkbox"/>
Commissioners and Shared Lives staff will meet with the shared lives carers to explain the changes that will happen due to the externalisation of the service. This will happen in	30/08/2019	Lead Commissioner	Engagement sessions	<input type="checkbox"/>



face to face roadshows and opportunities for individual meetings.				
The impact of any translation (for example Easy Read material) will be considered as part of the contract transition and will either be met through current translation contracts held or provided for.	14/10/2019	Lead Commissioner	Regular contract monitoring	<input type="checkbox"/>
	Select date Select date Select date Select date			<input type="checkbox"/>
	Select date Select date Select date Select date			<input type="checkbox"/>
	Select date Select date Select date Select date			<input type="checkbox"/>
	Select date Select date Select date Select date			<input type="checkbox"/>
	Select date Select date Select date Select date			<input type="checkbox"/>
<b>If negative impacts remain, please provide an explanation below.</b>				
No negative impacts remain.				
<b>Completed by:</b>	<b>Bev Cole</b>			

<b>Date</b>	<b>22<sup>nd</sup> May 2019</b>
<b>Signed off by:</b>	<b>Steve Veevers</b>
<b>Date</b>	<b>24/07/2019</b>
<b>Equality Lead/Manager sign off date:</b>	<b>02/08/2019</b>
<b>To be reviewed by:</b> (officer name)	<b>Steve Veevers</b>
<b>Review date:</b>	<b>30/08/2019</b>



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## SHARED LIVES SERVICE SPECIFICATION

### 1. INTRODUCTION

- 1.1 Shared Lives enables a wide range of people who need support to live independent lives and have their health and wellbeing promoted, through a flexible form of accommodation and/or care and support that is provided by ordinary individuals or families in their home and in the local community.
- 1.2 Shared Lives Carers are recruited, trained and supported by the Shared Lives Scheme to offer a wide range of services inside and outside their home. These include services such as long term, short breaks, rehabilitative or intermediate support.

### 2. AIMS OF THE SERVICE

- 2.1 The Shared Lives Service will help to ensure people in Somerset have access to a range of innovative, community based solutions for accommodation, care and support, which meet their Eligible Needs and enable them to achieve their individual Outcomes.
- 2.2 The Scheme will;
- Deliver a high-quality, value for money service, which complies with regulatory standards as monitored by the Care Quality Commission;
  - Recruit, train and support a range of appropriate Shared Lives Carers, ensuring sufficient carers are recruited in each part of the county to meet both the current and future levels of need;
  - Enhance the quality of life of the people being supported, ensuring that they have a positive experience of care and support;
  - Support people to be empowered to make informed choices and decisions about their care and treatment and to take greater control over their lives;
  - Safeguard adults whose circumstances make them vulnerable and protecting them from avoidable harm;
  - Support the Council in delaying or reducing the need for care and support within the county, through both preventative forms of care and by supporting people to become more independent, and;
  - Expand the service to meet the needs of the people being supported, as well as the development priorities of the Council.
- 2.3 The Scheme will ensure that the people being supported can achieve their individual outcomes relating to;
- Managing and maintaining nutrition
  - Maintaining personal hygiene
  - Managing toilet needs
  - Being appropriately clothed

- Being able to make use of their home appropriately
- Maintaining a habitable home environment
- Developing and maintaining family or other personal relationships
- Accessing and engaging in work, training, education or volunteering
- Making use of necessary facilities or services in the local community, including public transport, and recreational facilities or services
- Carrying out any caring responsibilities the adult has for a child

### **3. DESCRIPTION OF SERVICE**

3.1 The Scheme will provide long term, short break, rehabilitative or intermediate support service, and the service delivery requirements relate to all types of service.

3.2 All placements will meet key requirements around health and safety, training and development, safeguarding and delivering a person centred service.

#### **3.3 Recruitment of Shared Lives Carers**

3.3.1 The Shared Lives Scheme is responsible for ensuring that the carers recruited;

- Demonstrate the appropriate skills to support the individuals placed with them;
- Have the relevant knowledge and information to carry out their carer function;
- Have a full induction;
- Undertake mandatory and other relevant training to maintain and develop their skills and knowledge;
- Are provided with up to date policies and procedures that relate to all aspects of their Shared Lives role;
- Are provided with good practice updates and are kept aware of relevant national and local policy initiatives, and;
- Are able to meet the identified eligible social care needs of the Person and that other commitments the carer has, for example family or work, is compatible with this.

3.3.2 The Scheme will ensure that DBS checks and references are carried out prior to approval.

3.3.3 The Scheme will complete a full inspection of the prospective home and must be satisfied that the home environment is:

- Appropriate to the needs of the Person (continually assessed through the matching process);
- Has a suitable bedroom space;
- Has suitable and accessible washing facilities;
- Is compliant with health and safety legislation (The home owner is responsible for ensuring that all health and safety legislation and fire safety procedures are followed), and;
- Has appropriate insurance cover.

3.3.4 The Scheme must check the legal status of the owner and that they are able to let a room in their property, as certain types of tenancy prohibit subletting or licence agreements. Reasonable steps should be taken to ensure the carer is not under threat of eviction from the property and that rent or mortgage payments are up to date.

3.3.5 The Shared Lives Carer may have other employment, providing it does not prevent them from meeting the Eligible Needs of the Person or prevent them from meeting the requirements and Outcomes included in the Person's Care and Support Plan.

3.3.6 The Scheme will recruit and maintain a suitably skilled and qualified Approval Panel that reviews evidence of capability, values and safety and makes recommendations that are taken into account when making decisions to approve carers.

3.3.7 Shared Lives Carers are self-employed and not employed by the Scheme.

### 3.4 **Support Carers**

3.4.1 Shared Lives Carers may identify that one or more support carers are required to help them deliver care and support to the people placed with them.

3.4.2 A Support Carer is defined as someone who is not the main Shared Lives Carer but who has regular unsupervised contact with the Person placed and who acts in the carer role on a planned basis to provide cover for the primary carer.

3.4.3 The Scheme is responsible for ensuring that Support Carers are adequately, assessed, trained and inducted, and that both the Shared Lives Carer and Support Carer are aware of their roles and responsibilities.

### 3.5 **Disclosure and Barring Service**

3.5.1 The Scheme will;

- Complete an enhanced DBS check on the named Carer;
- Complete an enhanced DBS check on the named Support Carer, where there is one;
- Ensure the DBS is a full paper based check and not the faster online version;
- Tick the box stating that the person is a home based worker so that a wider check will then be carried out on anyone named in the property;
- Assess any concerns raised from the DBS check, including risk assessing any disclosed convictions, in conjunction with the Council if appropriate;
- Require the carer to notify them immediately of any change in circumstances that they have reasonable cause to think will show on a new DBS, such as a new conviction, and;
- Renew DBS checks every three years.

3.5.2 The Scheme will also complete a DBS check for all staff who either visits the Shared Lives households, or have significant access to personal information relating to the people supported by the Shared Lives scheme.

### 3.6 **Referral Process**

3.6.1 The Council and the Scheme will agree a referral process that will facilitate smooth and swift referrals. This will include how vacancy updates are advertised, contact points, and what information is required about the individual.

3.6.2 Referrals to the service will be made by the Council for individuals who have been assessed as having eligible social care needs under the Care Act 2014. The care and support plan, as agreed with the individual, will have identified a Shared Lives placement as the most suitable option for that person, having taken into account their housing, care and support needs.

3.6.3 The Council will ensure that sufficient financial information is included to enable the Scheme to establish whether the Person will be able to cover the cost of the service and/or whether they are a self-funder.

3.6.4 Where it is clear that the person does not have the capacity to make informed choices regarding their chosen lifestyle, the Council will ensure that an independent person acting on behalf of the person is sought to determine if the referral is in their best interests.

3.6.5 In crisis and short break placements there may not be a full adult social care assessment at the point of referral.

### **3.7 Matching and Placement Process**

3.7.1 The Scheme will use a matching and introductory process, enabling the person and Shared Lives Carer to get to know each other before deciding to enter a Shared Lives arrangement.

3.7.2 The Scheme will ensure the matching processes takes account of;

- The Person's assessed Eligible Needs and wishes;
- The skills, knowledge and experience of the Shared Lives Carer;
- The personal interests of the Person and the Shared Lives Carer;
- The cultures and/or faiths, which are important to the Person and the Shared Lives Carer, and;
- The suitability of the accommodation, including location, access, size of bedroom, suitability of bathroom facilities, shared use of the family home, opportunities for privacy and personalisation of their private space.

3.7.3 The Scheme will balance the needs of the carer, the family and the person being referred, whilst also being responsive to the needs of the Council by being able to place an individual in a timely manner. The use of short breaks could facilitate this process.

3.7.4 Shared Lives Carers are under no obligation to agree to any placement. The Scheme will ensure that both the Shared Lives Carer and the Person are clearly aware that they can withdraw from the matching process at any point.

3.7.5 Where the Person, Scheme, Shared Lives Carer and Council are in agreement about the suitability of the placement, the Council and the Scheme will agree the Band Level of the Placement. The Band Levels are determined by the Person's Eligible Needs and Care and Support Plan and are agreed between the Scheme and the Council in accordance with the Band Level definition set out in Appendix 1 of this specification.

3.7.6 A Shared Lives Service Agreement and a Licence Agreement will be completed for each placement.

3.7.7 The Scheme will follow current legislation and good practice on the number of people who can be placed with a Shared Lives Carer at any one time. This number may be reduced by the Scheme depending on the individual situation of the carer and the needs or circumstances of the individual/s placed.

3.7.8 Shared Lives is not a "24/7 service"; access to additional support, day services or additional respite, sufficient to maintain an effective placement, will be considered.

### **3.8 Crisis and Short Term Placements**

3.8.1 The Scheme will work with a number of carers who are able to offer a short term crisis or crisis avoidance placement with limited notice. The security, safety and well-being of both carer and Person remain the primary concern and will dictate the final decision.



3.8.2 The Scheme will recruit and support a number of carers who are able to offer short term enablement and reablement support around hospital admission. This could be to prevent or reduce the need for hospital admission or to offer support on discharge.

### 3.9 **Shared Lives Carer Agreement**

3.9.1 The Scheme will ensure that a Shared Lives Carer Agreement is entered into between the Scheme and every Shared Lives Carer. This agreement will set out the requirements on the Shared Lives Carer to meet the Eligible Needs of people with care and support needs, through the provision of personal care and accommodation in their home.

3.9.2 As Shared Lives Carers are self-employed the Agreement will need to cover all aspects of the role including, but not limited to;

- Code of conduct;
- The service to be provided;
- Meeting the needs and outcomes of the individual;
- Payments;
- Inspections;
- Formal requirements of insurance, DBS checks and training;
- The standards of care expected;
- The standards of accommodation expected;
- Use of support carers;
- Notice periods, and;
- Termination or deapproval process.

3.9.3 Shared Lives Carers are recognised by HMRC as self-employed under the Health and Social Care Act 2008 (Regulated Activities) Regulations 2010. Shared Lives Carers work on a flexible schedule to provide the care and support required in the support plan.

### 3.10 **Shared Lives Service Agreement**

3.10.1 The Scheme will ensure a Shared Lives Service Agreement is made in relation to each individual Shared Lives Placement. It is an agreement between the Person using the service, the Shared Lives Carer and the Scheme.

3.10.2 The Shared Lives Service Agreement incorporates the responsibilities and expectations of all those involved and includes details of the Person's Care and Support Plan. This is intended to ensure an effective working partnership between all of the parties involved.

### 3.11 **Licence Agreement**

3.11.1 The Scheme will ensure there is a formal agreement issued from the carer to the individual explaining the legal occupation of the home. The agreement will explain the legal status of the arrangement, the rights to use the property and the notice period for either side to end the agreement. This includes the use of the kitchen and any restrictions that have been agreed based on the individuals support plan.

3.11.2 The agreement will specify the rights of the individual to have friends to visit or stay.

### 3.12 **The Person's Care and Support Plan**

3.12.1 The Scheme will ensure that the Person will have an individual Care and Support Plan in place within 15 weeks of starting their placement.

3.12.2 The Person's Care and Support Plan will:

- Be person centred;
- Shows evidence of the Person's involvement;
- Shows evidence that the Person's circle of support have been included, as appropriate;
- Identify any communication needs;
- Clearly reflect the outcomes identified;
- Reference their changing needs, showing evidence of regular reviews;
- Show evidence of reference to the Mental Capacity Act, including Best Interest decisions where appropriate;
- Include a copy of the Person's Needs Assessment;
- Include details of any risk assessment in place;
- Demonstrate input from external professionals, where appropriate, and;
- Reflects best interest decisions, Mental Capacity Act and Deprivation of Liberty.

3.12.3 To support the ongoing review of the Person's Care and Support Plan, Shared Lives Carers will keep a regular record of any significant events or issues including but not limited to outcomes achieved, accidents or incidents, illness, contacts with health professionals or other agencies, safeguarding concerns and issues arising relating to mental capacity or deprivation of liberty. These records should be comprehensive and person centred.

### 3.13 **Training for Shared Lives Carers**

3.13.1 The Scheme will devise a training programme for all Shared Lives Carers. This will include the induction process, all mandatory training for the Carer to be able to deliver the service, in line with this specification and any regulatory requirements.

3.13.2 Training will be offered that may relate to some but not all Carers, for example working with young people and transitions to adulthood.

3.13.3 All training must be provided by a suitably competent trainer with relevant expertise. A training and development programme will be agreed with each Carer to complement the induction and mandatory training.

3.13.4 The Scheme is responsible for ensuring that the Carer has received relevant and up to date training, that key training is regularly renewed, and that a training log for each carer will be maintained.

### 3.14 **Carer Support and Review**

3.14.1 The Scheme will ensure that all Shared Lives Carers are supported in their roles, ensuring a handbook or guide, including the Code of Practice and all policies and procedures, is available to each Shared Lives.

3.14.2 Specific support provided by the Scheme to the Shared Lives Carer will include;

- Ongoing learning, which ensures that Shared Lives Carers further their development in order to meet the individual needs of the Person they support and care for;
- Monitoring, which ensures that the Person is being cared for in a safe and secure environment where their identified Eligible Needs are met and there is progress towards meeting their individual outcomes;
- Clarity about accountability and professional boundaries;
- Support with the delivery of the Person's care and support plan, including any additional, specialist advice and support required to meet their assessed needs or any changes in their needs, including those occurring as a result of illness, crisis or emergency;

- Regular carer group meetings and enabling informal groups for carer peer support;
- Regularly review to ensure that the Carer has the resources, skills and knowledge to fulfil their responsibilities, and;
- Regular opportunities to take breaks from their caring responsibilities.

3.14.3 The Scheme will undertake an annual review of all Shared Lives Carers to ensure:

- A valid DBS is in place;
- Valid and up to date public liability and household insurance is in place;
- Mandatory training has been completed;
- A tailored development plan is in place;
- The property is still suitable and complies with health & safety checks, and;
- The carer is able to provide the care and support required.

### 3.15 **Support and Monitoring for the Person**

3.15.1 The Scheme will undertake an annual review of the Person's Care and Support Plan, conduct regular placement monitoring, and seek feedback from the Person's circle of support, to determine the ongoing suitability of the Placement.

3.15.2 The Scheme will work with the Person and their Shared Lives Carer to ensure the Person;

- Is living as independently as possible in suitable accommodation;
- Has choice and control over their day to day life including their care and support;
- Is enabled to improve and/or maintain their overall physical and mental health and wellbeing;
- Feels that they are treated with dignity and respect;
- Is protected from abuse and neglect;
- Is enabled to participate in work, education, training and recreation;
- Has access to the care and support service set out in their Care and Support Plan and in accordance with the Shared Lives Arrangement Agreement;
- Is enabled to participate in domestic, family and personal activities;
- Is enabled to take part in the wider community and the society in which they live;
- Is enabled to maximising their income through all possible means, including employment opportunities;
- Has their religious faith, beliefs and culture considered and respected in the course of meeting their needs for care and support, and;
- Is not unfairly discriminated against, particularly with regards to their Protected Characteristics.

3.15.3 Where the Scheme has concerns about the Shared Lives Carers' ability to meet the ongoing needs of the Person they will engage the Council and other relevant parties, as appropriate, to instigate a formal review.

3.15.4 Where there is potential that the placement may breakdown, the Scheme will ensure, where appropriate, that the Person and the Shared Lives Carer are supported to prevent this from occurring. This may include supporting the Person or the Shared Lives Carer to source a short break from the placement, where appropriate.

3.15.5 Where the Person's Eligible Needs change the Scheme will contact the Council to arrange for a formal review to be undertaken.

### 3.16 **Mental Capacity Act and Deprivation of Liberty Safeguards (DoLs)**

3.16.1 Some people who live in a Shared Lives placement may have, or may develop, limited mental capacity. In cases where an individual lacks capacity the Scheme must ensure that all aspects of the service adheres to the 5 principles of the Mental Capacity Act 2005 and that Shared Lives Carers are trained to an appropriate level of understanding.

- Principle 1: Assume a person has capacity unless proved otherwise.
- Principle 2: Do not treat people as incapable of making a decision unless all practicable steps have been tried to help them.
- Principle 3: A person should not be treated as incapable of making a decision because their decision may seem unwise.
- Principle 4: Always do things or take decisions for people without capacity in their best interests.
- Principle 5: Before doing something to someone or making a decision on their behalf, consider whether the outcome could be achieved in a less restrictive way.

3.16.2 In practice this means only making decisions for people in a Shared Lives setting when it has been proven and documented that they cannot make the specific decision for themselves. Any decision made on behalf of the person should be made following the statutory best interest checklist and should be necessary, proportionate and the least restrictive option available.

### 3.17 **Safeguarding and Notifiable Incidents**

3.17.1 The Scheme must ensure that all aspects of the service, and all placements with carers are subject to a thorough safeguarding assessment. The Scheme must have a policy that adheres to the Council's policy of safeguarding adults and vulnerable children.

3.17.2 The Scheme must be aware of the risks around sexual exploitation, modern slavery and human trafficking. Policies and practices must demonstrate how these are identified and how any concerns are acted upon.

3.17.3 Abuse and neglect can take many forms, due consideration should be given to each individual circumstance to protect the person from abuse. This can be more complex when an individual is living as part of a family in a Shared Lives setting. The Scheme will ensure that staff and Shared Lives Carers are fully trained and supported to identify and address any safeguarding concerns at as early a stage as possible.

3.17.4 The Scheme should conduct regular reviews of safeguarding practice and monitoring safeguarding issues. These should be reported to the Council as part of agreed Contract Monitoring.

3.17.5 The Scheme will inform the Council as soon as is practicable of any serious incident. The Scheme can contact Safeguarding, Commissioning or Adult Social Care as relevant, or all departments in the event of a very serious incident. The Scheme is expected to use judgement over what and when to notify.

3.17.6 Examples of notifiable incidents would include but is not limited to;

- Death of the individual;
- Death of the carer;
- Refused medical treatment;
- Serious accident;
- Serious injury;

- Notifiable infections;
- Flood or fire;
- Major incident for the carer;
- Unplanned or unexplained absence of the individual;
- Hospital admission, and;
- Any safeguarding concern.

3.17.7 The Scheme will work with the Council in safeguarding vulnerable people becoming, or supporting, terrorists or violent extremists. Working with the Council, Police, NHS, Fire Rescue Service and other community groups, the Scheme will support the key objectives of challenging extremist ideology, increasing the resilience of communities to resist violent extremism, and improving communication and intelligence sharing.

### 3.18 Medication

3.18.1 The Scheme should have a medication policy and training that ensures Shared Lives Carers understand their role with regards to medication. The individual support plan will be clear on medication to be used and the support the individual needs to manage their medication. The Shared Lives Carer will follow the support plan and any subsequent medical alterations.

3.18.2 The Scheme will ensure the Carer has access to any specific training that is needed and that professional help is sought if required. The support plan will include clear information about whether the individual can; store, follow instructions; or self-administer medication.

### 3.19 Complaints, Compliments and Comments

3.19.1 All individuals will be informed of the arrangements to make complaints, compliments and comments about their Shared Lives Carer direct to the Scheme.

3.19.2 Shared Lives Carers will be informed of the arrangements to make complaints, compliments and comments about the Scheme or its staff.

3.19.3 The outcome of all complaints, compliments and comments must be reviewed in order to inform the future development of the Service.

3.19.4 Complaints and compliments should be shared with the Council as part of the agreed Contract Monitoring process.

### 3.20 Exit from the Service

3.20.1 Where there is a breakdown of the Shared Lives Placement, the Scheme may need to terminate the Service early. The Scheme will ensure that all options have been exhausted to prevent the breakdown of a Placement.

3.20.2 Where breakdown of a Placement is not avoidable;

- The Scheme will give the Council a minimum of 28 days' notice of the termination of a Placement. Where the Scheme can no longer ensure the safety and well-being of the Person or the Shared Lives Carer, the Scheme may ask the Council to remove the Person from the Service with immediate effect, depending on the individual needs of the Person and after taking into consideration the Person's well-being.
- In the event of the Scheme terminating a Placement, the Council retains the responsibility to find a suitable alternative service. Where appropriate, the Scheme will work with the Council to identify an alternative Shared Lives arrangement either as a temporary or permanent Placement.

3.20.3 The Service is intended to enable people to live as independently as possible, which may include moving people on from their Shared Lives Placement to other types of accommodation and support. Where the Person is planning to move on from the Service the Scheme and the Shared Lives Carer will work with the Council to ensure that the transition is supported effectively.

3.20.4 Where the Person dies while using the service, the placement will officially end one week after the Person's death. The Council will support the Scheme and the Shared Lives Carer in notifying the next of kin and other relevant agencies.

#### 4. PAYMENTS AND BANDING

4.1 There are three distinct financial elements in a Shared Lives placement:

- The payment to the Scheme to recruit, train and support carers;
- The payment to the carer for the support for the individual, and;
- The payment by the individual to cover rent and household costs.

Purpose of Payment	Who Pays	Who Receives the Payment
To deliver the Shared Lives Service	The Council	The Scheme
To deliver Care and Support to the Individual	The Council	The Scheme, who then pays the Shared Lives Carer
To pay Rent and Household Costs	The Individual	The Shared Lives Carer

4.2 **Payment to the Scheme to deliver the service** - The Council will pay the Scheme to deliver the service. This payment covers all aspects of managing and delivering an effective Shared Lives service. The payment includes the following, but this list is not exhaustive;

- Recruit new carers;
- Provide an induction and ongoing training to the carers;
- Provide ongoing and tailored support to the carers;
- Ensure support and information to individuals placed;
- Benefit maximisation for individuals placed;
- Maintain all processes in line with statutory and regulatory frameworks;
- Work collaboratively with the Council;
- Employ staff as required to deliver the service, and;
- All organisational overheads as required to deliver the service

4.3 **Payment to the Scheme for the care and support** - The Council will pay the Scheme for the care and support for each individual. This money will be paid by the Scheme to the individual Shared Lives Carer who is providing the support. The contractual relationship sits between the Scheme and the Shared Lives Carer.

#### 4.4 Long Term Placements

4.4.1 The carer will be paid a weekly amount for care and support based on the assessed eligible needs of the individual. The level of needs of the individual will be identified by adult social care as part of the assessment and support planning. The indicative banding will be set by adult social care.

- 4.4.2 There will be four support bands – low, medium, high and complex. These are broken down in Appendix 1, with examples of the level of care and support required. The exact nature of the support and practical tasks that are required will depend on the individual person. The needs may change over time and the level of support needed may fluctuate within the band.
- 4.4.3 The Council, working with the Scheme and Shared Lives Carer, will conduct a review of all existing placements to determine which of the four new bands is appropriate. The new rate will not be paid until the review has taken place.
- 4.4.4 All new placements will be formally assessed and paid under the four new bands following the assessment.
- 4.4.5 In establishing the suitability of a new Long Term placement, the Scheme and the Council may agree an appropriate number of introductory visits, arranged as Short Term placements.
- 4.5 Banding Review**
- 4.5.1 The placement will be reviewed after 15 weeks. This is to allow the Person to have settled into the household and into different routines. There may have been a need for additional support in the transition stage. The 15 week review can assess the banding level as needing to be higher or lower.
- 4.5.2 Any change in the banding will be agreed between the Scheme and the Council support worker.
- 4.5.3 After this initial period, bandings will be assessed as part of the care and support plan review by Adult Social Care. A review can also occur where there has been a significant change in the level of care and support needed by the individual.
- 4.6 People with Additional Complex/Challenging Needs**
- 4.6.1 The Council recognises that some people in a Shared Lives placement have needs that are very complex and/or challenging. In these situations a discretionary care fee may be agreed in addition to the (4) Complex/ Challenging banding as described above. This will be negotiated on a case by case basis depending on the situation and support needs of the individual. This could be for a long term placement or for a period of transition after which the person may no longer need the additional discretionary support.
- 4.6.2 The care fee will be based on the additional level of complexity identified within the support plan. This will be agreed by the Adult Care Brokers and the Scheme, with any additional Adult Social Care Management approval as needed.
- 4.6.3 This process will be by exception only; the majority of placements should be covered under one of the four support bandings.
- 4.7 Short Term Placements**
- 4.7.1 Short term placements, sometimes referred to as 'Short Breaks', are arranged on a per night basis and can be for a period of between 1 night to 28 nights.
- 4.7.2 Short term placements can be used for a range of reasons including a temporary arrangement from another Shared Lives placement, a trial stay, respite for a non-Shared Lives Carer, or as temporary arrangement to support an individual through a crisis or transition in their life.

4.7.3 Short term placements are paid on three banding level, agreed between the Council and the Scheme at the point the Placement is agreed, based on the Persons Eligible Need and their Care and Support Plan;

- Band A (low and medium)
- Band B (high)
- Special (Complex)

4.7.4 Short term placements may also be arranged on day support basis with hourly costs.

4.7.5 Where the Person is unable to travel to the Shared Lives Carer, at their discretion, the Council may agree to fund additional payment of mileage costs for the Shared Lives Carer to collect the Person from their existing home.

4.7.6 Where a Short Term or Day Support is cancelled 48 hours before it is due to commence, 50% of the cost of the Service will be charged to the Council. If the cancellation occurs more than 48 hours before the Short Break or Day Support no charge will be made.

#### 4.8 **Financial Assessments**

4.8.1 The Scheme will undertake a financial assessment in accordance with the Council's policy, to determine the level of contribution payable by the Person.

4.8.2 The care and support costs are paid to the Scheme net of the Person's contribution. The Scheme is responsible for collecting the Person's contribution, ensuring the Shared Lives Carer is paid the full care and support.

4.8.3 Unless agreed between the Scheme and the Council, the Scheme will not be responsible for undertaking a financial assessment for a Person accessing a Short Term or Day Support service with the Scheme, unless that Person is also in a Long Term placement with the Scheme.

#### 4.9 **Payment of Rent and Household Costs**

4.9.1 The Shared Lives Carer will charge an amount per week to cover both rent and household costs.

4.9.2 The rent charged is for the use of the premises on a licence agreement and will cover the use of the bedroom, access to a bathroom and the use of communal areas. The rent will include any contribution towards council tax, insurance and other housing related costs. The amount charged can vary to reflect the local housing allowance rates.

4.9.3 The individual will pay a weekly amount for household costs. This will cover food, use of the facilities including heating, utilities, laundry and other costs associated with use of the home. The amount charged can be reflective of the needs of the individual including, for example, higher laundry costs and / or higher food costs because of specialist dietary requirements.

4.9.4 The Scheme are responsible for assessing and setting the basic level of rent and household costs paid across all services. Any additional amounts paid by the Person to the Shared Lives Carer, such as for additional TV or Internet services, should be clearly detailed in their Care and Support plan.

#### 4.10 **Appointeeship and Benefit Support**



4.10.1 The Scheme may act as an appointee for people in a Shared Lives placement in respect of their welfare benefits. The Scheme will comply with the Mental Capacity Act, all relevant regulations and will act, at all times in the best interest of the individual.

4.10.2 The Scheme will support the individual to maximise their income by claiming any housing benefit and welfare benefits to which they are entitled, including any enhanced housing benefit or premiums.

4.10.3 When an individual leaves a Shared Lives placement and the Scheme is the appointee, the Scheme will continue in this role until able to undertake a smooth transition to the new appointee, unless it is in the best interests of the individual not to do so.

#### **4.11 Payment of Carer Respite**

4.11.1 Each carer will be supported to have two weeks holiday per year in respect of each person placed on a long term arrangement. The money will be administered by the Scheme. The payment will be the equivalent of two full weeks at the support banding for the individual.

#### **4.12 Changes to Placements**

4.12.1 Where the Council has made a confirmed referral and the individual fails to arrive, the Council will pay the carer 50% of the first night of the placement.

4.12.2 The Council will continue to pay the support payment for up to one week following the death of the individual where they had been living in a long term Shared Lives placement. No payment is made where the individual had been in hospital for longer than four weeks.

4.12.3 The Council will continue to pay the support payment for up to a maximum of four weeks where an individual is in a long term placement and is expected to return to the Shared Lives placement as their home. When the hospital stay is known to be longer than four weeks, or becomes longer than four weeks, the case will be referred back to the Adult Social Care Team to review.

4.12.4 The Council will pay the support payment for up to a maximum of one week where the individual has left the property unexpectedly and without giving notice, and where it is known that the person is not going to return to the Shared Lives placement.

### **5. GENERAL SERVICE DELIVERY STANDARDS**

5.1 The Scheme will;

- Recruit, train, and support staff that are able to demonstrate the knowledge, skill, competence and attitude required of the roles and responsibilities assigned to them;
- Hold a registered with the Care Quality Commission, rated as 'Good' or 'Outstanding', and continually monitor against the 'Key Lines of Enquiry' to ensure the service is Safe, Effective, Caring, Responsive and Well-Led;
- Operate and adhere to Shared Lives Plus best practice standards;
- Develop and manage good relationships with commissioners, care managers, safeguarding leads and other Council employees, to ensure smooth delivery of service;
- Implement a rigorous quality assurance system, focusing on the outcomes of the people being supported, which drives continuous improvement;
- Ensure the service supports equality of opportunity for all Scheme staff, Shared Lives Carers and people with care and support needs;

- Implement suitable methods of empowering Shared Lives Carers, the people being supported, and the persons circle of support, and ensure they have a means of influencing the service provided;
- 5.2 The Scheme should have policies in place, up to date, and reviewed annually, that cover, as a minimum;
- Staff recruitment and training;
  - Health and safety;
  - Equal access;
  - Information Governance;
  - Mental Capacity Act and Deprivation of Liberties;
  - Safeguarding;
  - Notifiable incidents;
  - Prevent;
  - Medication, and;
  - Complaints, compliments and comments
- 5.3 The Scheme will ensure a robust approach to health and safety, ensuring that all staff, volunteers and Shared Lives Carers understand and adhere to these policies and procedures at all times;
- Health and safety
  - Lone working
  - Violence and aggression
  - First aid
  - Fire precautions, including action plan and risk assessment, and personal emergency evacuation plan
  - Manual handling including person handling
  - Use and maintenance of equipment
  - Home suitability checklist
  - Risk assessment process, including individual risk assessments for each carer's home and / or each individual placed
  - Infection control policy
  - Medication policy
  - Transport policy
  - Accident reporting and accident investigation
  - Incident and fatality procedure
  - Hazardous substances
- 5.4 The Scheme are expected to deliver the service, including all aspects of the carer assessment and support, in compliance with the relevant legislation and associated regulations, including:
- The Human Rights Act 1998 and the principles enforced by the European Convention on Human Rights 1950;
  - The Equality Act 2010;
  - The Mental Capacity Act 2005;
  - The Mental Health Act 2007;
  - The Health and Safety at Work Act 1974;
  - The Disability Discrimination Act 1995;
  - The Care Act 2014;

- All legislation relating to the safeguarding of adults;
- Regulatory compliance with Care Quality Commission, and;
- All other legislation which is applicable to the provision of the Services.

5.5 The Scheme will have in place a business continuity plan to ensure the service can continue to be delivered in the event of flood, fire, or other disruptions to normal delivery including IT or system failure.

5.6 The scheme will coproduce all aspects of ongoing Service delivery, development and improvement, observing the following principles;

- **Assets:** transforming the perception of people from passive recipients of services and burdens on the system into one where they are equal partners in designing and delivering services.
- **Capacity:** recognise and grow Community capacity and capabilities by actively supporting them to put these to use at an individual and Community level.
- **Mutuality:** offer the Person a range of incentives to engage, which enables them to work in reciprocal relationships where there are mutual responsibilities and expectations of each other.
- **Networks:** engage peer and personal networks as the best way of transferring knowledge.
- **Blur roles:** remove tightly defined boundaries between public services and Communities by reconfiguring the ways in which services are developed and delivered.

## 6. QUALITY ASSURANCE AND CONTRACT MONITORING

### 6.1 Contract Management and Key Performance Indicators

6.1.1 The contract will be monitored and managed through a combination of;

- Annual policy and accreditation checks
- Financial reviews
- Contract review meetings
- Quarterly reports
- Quality assurance review

### 6.2 Annual Policy and Accreditation Checks

6.2.1 Each year there will be a review of core service requirements. This will include but is not limited to;

- Carer recruitment and induction
- Carer training schedule
- Health and safety accreditation
- Insurance certificates
- Data security
- Safeguarding policy
- Key policies and procedures

### 6.3 Financial Review

6.3.1 Each year there will be a review of the organisation's financial returns. The Scheme will be required to submit their annual accounts to the Council. This is to ensure that the organisation remains financially robust and able to continue to provide the contracted service.

### 6.4 Contract Review Meetings

- 6.4.1 The Shared Lives contract is a strategic contract for the Council. There will be quarterly contract review meetings and an annual strategic overview meeting. Meetings may be held more frequently depending on a number of factors:
- Market development
  - Innovation and good practise
  - Financial Return
  - Performance level
  - Number of individuals placed
  - Number of carers recruited and retained
  - County wide coverage
  - Identified risk level
- 6.4.2 The need for a meeting will be reviewed each quarter based on the quarterly report and associated data. The Scheme will ensure there is management capacity for at least a quarterly meeting.
- 6.5 Quarterly Contract Monitoring Reports**
- 6.5.1 A report template, as supplied, must be completed and returned within two weeks of the end of each quarter, operating to the standard calendar quarters (January to March, April to June, July to September, and October to December).
- 6.5.2 Each quarterly report will be analysed by the Council and will feed into the quarterly contract review meeting. The analysis may result in requiring further information or moving to monthly reporting on some key data.
- 6.5.3 See Appendix 3 for template of Quarterly Contract Monitoring Report. The template may be varied by the Council.
- 6.6 Quality Assurance Review**
- 6.6.1 The Quality Assurance Review is in addition to the performance monitoring and quarterly report. It is anticipated that a QA review will take place at least once a year.
- 6.6.2 The aim of the Quality Assurance Review process is for the Council to be assured of the quality of services that has been commissioned under the Care Act 2014.
- 6.6.3 The Quality Assurance Review will generally include (but is not limited to) a review of the following:
- Care / support plans and associated risk assessments, daily records and any other documents relating to the individuals care or support;
  - Compliments and Complaints Log;
  - Health and safety records;
  - Risk assessments;
  - Safeguarding Policy and records;
  - Policies and Procedures;
  - Observations and/or shadowing of The Scheme. Such observations or shadowing to be undertaken at the Council's absolute discretion;
  - Staff recruitment and training files including supervision and appraisal records;
  - The use of Sub-Contractors, and;

- Any other documentation in respect of the delivery of the services as reflected in the Quality Assurance Toolkit/Checklist at the time of the Quality Assurance Review or deemed necessary by the Quality Assurance Officer at the time of the review.

## APPENDIX 1 – BANDING TOOL

Domains	(1) Low	(2) Medium	(3) High	(4) Complex/ Challenging
<b>Medication</b>	Self-managing	Some support required from the carer	Carer manages all medication	Specialist medical condition and/or medication.
<b>Night Time</b>	Rarely e.g. at times of ill health	Regular e.g. once a week	Frequent e.g. three to four nights a week	Most nights and more than once a night
<b>Physical Wellbeing</b>	Prompting	Regular support and supervision e.g. daily	Frequent support and supervision e.g. several times a day	Specialist skilled support
<b>Emotional</b>	Low level	Regular e.g. daily	Frequent e.g. several times a day	Specialist and skilled
<b>Psychological and/or Psychiatric Wellbeing</b>	Low level with mild conditions	Regular support	Frequent support	Specialist knowledge and support, working with professionals
<b>Supervision, Safety and Risk</b>	Independent at home, in the community and when travelling	Regular at home, in the community and when travelling	Frequent at home, in the community and when travelling	Constant supervision and support required – possibly a community DOL
<b>Personal Care</b>	Mainly independent, some prompts	Regular prompts and support	Frequent prompts and support	Full support in all areas
<b>Making and Maintaining Friendships and Relationships</b>	Mainly independent	Regular support	Frequent support	Full support
<b>Community Access</b>	Mainly independent	Regular support	Frequent support	Full support
<b>Education, Employment and Training</b>	Mainly independent	Regular support	Frequent support	Full support
<b>Communication</b>	Mainly independent	Regular support	Frequent	Specialist and skilled support
<b>Money</b>	Mainly independent – has capacity to manage finances.	Has financial capacity but requires some support	Does not have financial capacity	Does not have financial capacity
<b>Daily Living Skills</b>	Mainly independent – can prepare drinks and snacks	Regular support required daily	Frequent support (includes preparation for independence)	Full support
<b>Mobility</b>	Mainly independent	Regular support	Frequent support	Full support required

### Banding Tool Review

The Scheme will work with the Council to further refine the banding tool (if required) to ensure it is an effective tool and that there is a shared understanding of the categories.

The descriptors in general mean;

#### Mainly Independent

The Person will require support supervision and / or prompting to enable them to carry out the domain themselves. Low level input is required; this may be more intensive support at times of crisis, ill health or when learning new skills.

**Regular Support**

The Person is able to carry out the domain themselves but will need regular, e.g. daily, support to be able to do this. The Shared Lives Carer will be expected to be hands on and more involved across the domains on a daily basis. More intensive support on some domains or night time support may be required once or twice a week.

**Frequent Support**

The Person will need help and support to complete many of the domains. This will require the carer taking full responsibility for some aspects of care and providing direct support and assistance several times a day / night.

**Full Support**

The Person is unable to complete the domain without the full input and support of the carer.

## APPENDIX 2 – CONTRACT PRICING

### Management Fees

Annual Block Contract Price:	£397,829	(ex VAT)
To be paid monthly in arrears:	£33,152	(ex VAT)

### Care and Support – Long Term

	<b>Low (1)</b>	<b>Medium (2)</b>	<b>High (3)</b>	<b>Complex / Challenging (4)</b>
Care & Support Costs	£165	£218	£270	£360

### Care and Support – Short Breaks

	<b>Band A (Low &amp; Medium)</b>	<b>Band B (High)</b>	<b>Special (Complex / Challenging)</b>
Hourly Rate	£9	£10	£12
Overnight	£64	£79	£95



## APPENDIX 3 – CONTRACT MONITORING REPORT

### Long Term Placements;

- Number of people currently supported (including new people starting a placement in the quarter), broken down by:
  - Age and gender
  - Primary support reason
  - Support banding
  - Location of placements
- New referrals in process
- People leaving and reasons for move on

### Carers;

- Number of carers (including new carers starting in the quarter)
- Location of carers
- Total number of placements available and % vacant (for long term and short breaks)

### Short Breaks;

- Number of people accessing short breaks, broken down by;
  - Age and gender
  - Primary support reason
  - Support banding
  - Postcode of placements
- Total number of nights accessed in the quarter

### Quality;

- Complaints, concerns and compliments
- Safeguarding concerns
- Notifiable incidents to CQC
- Percentage of carers up to date with mandatory training
- Details of any 'Social Value' delivered to the county
- Details of any co-production and consultation carried out

### Staffing Information;

- Number of full time and part-time staff
- Details of new staff working on the contract
- % completed mandatory training

### Outcomes Reporting;

- Evidence/case studies to show how outcomes are being met

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**Somerset Shared Lives Scheme  
Service Delivery Plan  
Shared Lives South West**

Year 1 - Review				Year 2 - Develop				Year 3 - Grow			
Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4

<b>Key Theme</b>	Clarity of purpose and expectations				Carer development				Increase the number of carers			
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<b>Carers</b>	Assessment / recruitment	Review Assessment process / documents		Carer recruitment drive				
	Support	Set up regional meetings	Introduce carer handbook	Review Support Carers	Set up Consultation Group	Review carer appraisals		
	Training	Introduce training programme	Deliver MCA, SGA and First Aid to all carers		Deliver remaining training programme to all carers			
	DBS	Full review of DBS status for all carers	DBS of carers on risk basis					
	Financial	Centralisation of carer payments		Introduce SLSW Carer agreements		Introduce respite payment system		

<b>Key Theme</b>	Risk management and safety		Implement person-centred care				Increase the number of people being supported	
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<b>People being Supported</b>	Support	Review risk assessments & DoLS	Introduce SLSW SU Plan and work with SCC to introduce C&S banding / day service review			Begin family & day support engagement	Client group expansion
	Funding & Benefits	Begin transfer of appointeeship	Maximise benefits for all service users		Review SU licence agreements	Embed financial wellbeing	
	Involvement	Give service users a voice	Set up involvement group for the people being supported		Embed involvement practices for the people being supported		

<b>Key Theme</b>	Embedding effective service delivery				Culture change through values based leadership			
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<b>Staffing</b>	Recruitment	Hire new staff / Staff Inductions	Transition to new Registered Manager		Hire new staff for scheme expansion		
	Culture	Introduce SLSW 1-2-1's and appraisals	Develop cross-office working		Developing team identity		
	Development	MCA, SGA, Intro to Shared Lives	Train the trainer		Team training	Individual development plans	

<b>Key Theme</b>	Amalgamation into Shared Lives South West				Establish future readiness			
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<b>Organisational</b>	Governance	Panel engagement	Trustee engagement with scheme		Panel recruitment		Panel away day & training	Recruit Somerset trustees	
	CQC	transfer of CQC registration	CQC Inspection		Merge CQC Registrations				
	Admin	data transfer - migrate to Database	Introduce policy framework		Pilot transition to management fee				

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## Mum Michelle moves on after 18 months in Shared Lives Family

November 2017

Michelle has moved on from Shared Lives South West and now has her own flat with her son Owain.

The walls are adorned with pictures of herself and Owain and she is loving her independence and new adventure.

Two years ago, life was very different from Michelle who lives in Devon.

It looked like social services were going to take Owain off of her, but at the eleventh hour Shared Lives was suggested as a possible solution.

Following a court case, Michelle got to continue living with Owain in a Shared Lives family and she was matched with carer Alistair Dodge in Torbay.



**“ It’s been brilliant. I’m really sad to leave, but I know it’s the best thing for me to live with my son.**

**“ Shared Lives is amazing, it’s one of the best experiences I’ve had, ” she said.**

During her 18 month stay with Alistair he taught Michelle an abundance of life skills.

“I learnt about managing my finances, how important to do a plan for the week, making a cleaning rota and most importantly I have to stick to my child’s routine and not get out of it,” she said.

“I’ve now got to remember those things every single day.”

Michelle has just moved into her flat and still has the support of Shared Lives for the next six months to help the transition and support her on the road to independence.

“Jane Rolfe my Shared Lives coordinator has been so supportive all the way through and so has Julie Bladon, funding and benefits officer at SL, who has been helping me with my benefits,” she said.

“I will continue seeing Alistair twice a week and will be in regular contact with Paul (who uses Shared Lives services and lives with Alistair). I would also like to thank Alistair for plodding me along and supporting me please.”

As soon as she knew she’d secured the flat, she couldn’t wait to book a removal van and furnish her new home.

“I picked up the keys and gradually moved in as I didn’t want to unsettle Owain,” she said.

“Alistair gave me a bed and also a bed for Owain, plus a TV unit and dining room table and chairs for which I am very grateful.

“I then went around the second hand shops and managed to get a fridge freezer and a nest of tables. It already feels like home.

“I feel so lucky as it has a sea view and there is woodland and a park so Owain can play.

“It’s great Owain has his own room and lots of room to play. I’ve kept up his routine and he still goes to nursery twice a week and also goes to weekly swimming lessons.

“Since January I’ve also been going to combat exercise classes so I’m really looking after myself.”



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## Stroke survivor Brian moves on after support from Shared Lives

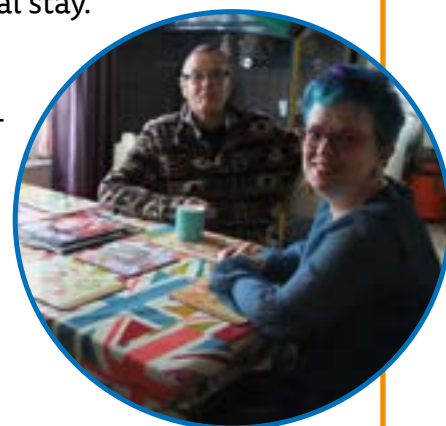
October 2017

If you rewind a year, Brian Lee's future looked bleak. While out walking in local woods he had a stroke and ended up in intensive care and endured a four-month hospital stay.

His health deteriorated further while in hospital as he also suffered two minor heart attacks and Brian was extremely weak.

The medical trauma left him with complete memory loss and his mobility was severely compromised- making it difficult for him to walk even short distances.

Fast forward to now and his life couldn't be more different. Thanks to the support and care he's received from the Shared Lives team and ultimately his Shared Lives carers Jeanette and Alan Eames as well as his own determination, Brian is well on the road to recovery.



He's recently managed to plan and go on holiday to Thailand and has just moved out to his own flat.

"Jeanette and Alan have helped me through it all. I was decrepit feeble creature when I arrived at their home in March," said Brian.

"I couldn't walk down the drive, now I can nip up to town. I never dreamt of being so independent again when I came out hospital.

Since moving in with the Eames' family, near Okehampton, they have been there to support him every step of the way- from helping him with appointments to liaising with his friends to help him move forward and sorting his medication and preparing him for his trip to Thailand, where he visited with no support. It was paramount his carers got him ready for the trip and made sure he was able to manage all his medication.

The Shared Lives team were also on hand to make the match with the Eames family. They charity's Funding and Benefits team also maximised his benefits.

"They prepared me and made me ready for life outside," said Brian.

"The main help was with my medication, that was a key thing. With Jeanette's help there were visits to the doctors to make sure my balance of medication was right, as when I came out of hospital it was all wrong.

"I was on knock-out drops, I wasn't living life as it should be. By 11am I wanted to go back to sleep again. I spent most of my time just sleeping. It was too much and there was a real temptation not to take them.

"Jeanette got it sorted out for me."

Banking also became difficult as he struggled to remember numbers.

"If you ask me about a phone number or bank details and I wouldn't have a clue," he said.

With advise from Jeanette, they decided to change passwords to key dates that he could remember.

"That way I could do somethings myself with support," said Brian.

Once Brian – a former chef- settled in, slowly Jeanette has encouraged him to do more himself. Despite not knowing whether he'd ever regain his memory or his mobility, Brian has done his best to look forward and with Jeanette there to advise him with the help of his social worker, he has successfully found a flat in Okehampton.

"We looked at one with steps outside and I knew straight away that was unsuitable for Brian," said Jeanette.

"I can't drive, but on the flip side it saves me a fortune on car tax, petrol and insurance. I can now catch the bus as will be living right near a bus route and there is a newsagents right near my flat if I want to nip out and get a newspaper," added Brian.

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**Notice of private meeting**

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**The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 – Regulation 5**

Following prior publication in the Forward Plan on 9 July 2019 2019, in accordance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 – Regulation 5, notice is hereby given that the Cabinet is requested to consider agreeing a resolution at its Meeting on 14 August 2019 to exclude the press and public from any part of the meeting where exempt information relating to the item below is to be disclosed.

**Contract Award – Shared Lives Scheme in Somerset**

Contact Officer: Steve Veevers

Contact Details: 07977 423588

Reasons for the item to be considered in private session at the meeting

Local Government Act 1972 – Schedule 12A

The item is likely to contain information relating to the financial or business affairs of any particular person (including the authority holding that information).

Representations received to hold the item in open session

None.

Council's response to representations received

Not applicable.

Circulation:

Leader of the Council and Cabinet Members

Scrutiny Committee Chair's

All County Council members

Public notice board at County Hall, Taunton

Council's website

6 August 2019

Scott Wooldridge – Monitoring Officer

<p>For questions about this notice please contact Scott Wooldridge, Strategic Manager, Community Governance, County Hall, Taunton, TA1 4DY. Tel: 01823 357628 Email:SWooldridge@somerset.gov.uk</p>
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