

CABINET

DOCUMENTS FOR THE MEMBERS ROOM

Tuesday, 29th January, 2013
at 5.00 pm

MEMBERS ROOM DOCUMENTS ATTACHED TO THE
LISTED REPORTS

Contacts

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MEMBERS ROOM DOCUMENTS

8 REVISIONS TO THE ADULT SOCIAL CARE NON-RESIDENTIAL SERVICES POLICY

- Local Authority Circular – Charging for Residential Accommodation and Non Residential Care Services
- Impact Assessments:
 - Equality Impact Assessment AS10 – Overarching
 - Equality Impact Assessment AS10 – Capital
 - Equality Impact Assessment AS10 - NDI Increase
 - Equality Impact Assessment AS10 - Domiciliary and Day Care
 - Equality Impact Assessment AS10 - Overnight Care
 - Equality Impact Assessment AS10 - 2 Carer Packages
 - Equality Impact Assessment AS10 - Rent Allowance

17 EARLY YEARS PROVISION IMPROVEMENT STRATEGY

- Statutory Guidance for Local Authorities on the Delivery of Free Early Education for Three and Four Year Olds and Securing Sufficient Childcare- September 2012. Department for Education.

18 PRIMARY SCHOOL DEVELOPMENT

- EIA

Monday, 21 January 2013

HEAD OF LEGAL , HR AND DEMOCRATIC SERVICES



EQUALITY IMPACT ASSESSMENT Proposals considered in July 2012

EIA No:
AS10 – Overarching

The public sector Equality Duty (Section 149 of the Equality Act) requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity, and foster good relations between different people carrying out their activities.

The Equality Duty supports good decision making – it encourages public bodies to be more efficient and effective by understanding how different people will be affected by their activities, so that their policies and services are appropriate and accessible to all and meet different people's needs. The City Council's Equality Impact Assessments (EIA) includes an assessment of the community safety impact assessment to comply with section 17 of the Crime and Disorder Act and will enable the council to better understand the potential impact of the budget proposals and consider mitigating action.

Portfolio Reference No. AS10 - Overarching	Proposal: Increase in income arising from proposed changes to the Non Residential Charging Policy
Volumes (number of customers) and profile	In August 2012 2109 individuals were being charged for non residential care. This includes people with disabilities and illnesses, those with mental health issues, people with learning disabilities and people with substance misuse problems. There are a range of proposed changes to the NRC Charging Policy which affect individuals in different ways. The impact of each proposal has been assessed in more detail as part of the consultation process. These are attached to this overarching assessment
Staffing and budget	Not applicable
Summary of impact and Issues	The proposal would increase contributions towards the cost of social care services for those who are assessed as being able to contribute more.
Potential Positive Impact	Supports the development of personalised approach to the delivery of social care Ensures the policy meets revised Dept of Health guidance Ensures equitable treatment of those receiving social care

Responsible Service Manager : Carol Valentine

Approval by Senior Manager: Carol Valentine

Name:	Carol Valentine
Signature:	
Date:	10.1.13

POTENTIAL IMPACT		
Group	Details of impact	Possible Solutions/ Mitigating Actions
Age	<p>The majority of social care users are over 65.</p> <p>Some individuals may be required to contribute more.</p> <p>Consultation responses suggested that this could result in some individuals' only accessing care when they are at crisis point leading to higher use of residential care. The proposals were therefore felt to be counter intuitive to the prevention and health and well being agenda of the Council.</p> <p>Consultation responses indicated that to increase the level of disposable income taken into account from 95% to 100% would negatively impact on the quality of life of some service users. Whilst it was recognised this left service users with income 25% higher than nationally set minimum income figures it was felt this was used to meet expenditure most people would think of as essential.</p> <p>Consultation responses suggested that paying full cost of day services would result in individuals not accessing the services, destabilising care arrangements, reducing carer support and destabilising day service provision.</p> <p>Consultation responses indicated that asking individuals with over £23,250 to commission their own services would place an inappropriate pressure on family carers.</p> <p>Consultation responses highlighted a concern that asking individuals who could afford to do so to meet the costs of 2 carer domiciliary care packages would increase the burden of family carers, who would try to cope without a second carer.</p>	<p>No one will ever be asked to pay more than they are assessed as being able to afford. Contributions are based on the individual's income and expenditure.</p> <p>Specific disability related expenses can be taken account of in financial assessment.</p> <p>Individual circumstances can be taken into account and a decision made to reduce or waive contributions in exceptional circumstances where there are welfare reasons for doing so.</p> <p>No one will be left with an income of less than 25% above government set minimum income levels (the level of income which is required meet all day to day and occasional living expenses). This is in recognition that social care service users are likely to have higher expenditure than other citizen groups.</p> <p>The Council as a whole is committed to addressing prevention and health and well being agendas through all of its services</p> <p>It was recognised during the consultation that to ask those who can afford to do so to pay the full economic cost of day service would represent a significant increase in</p>

	<p>There was also a concern that this was inequitable.</p> <p>Consultation responses highlighted that the proposals could result in family carers taking more responsibility in the longer term impacting on their own well being and leading to the collapse of family care arrangements</p> <p>Consultation responses suggested that it was inequitable to take disability related benefits onto account when deciding on an individuals contribution</p> <p>Consultation responses highlighted that these could a cumulative impact for some individuals if they are affected by Housing Benefit, Council tax and general benefit changes.</p> <p>Customers in Extra Care highlighted that they had not understood they would be liable for these costs and that this would have a detrimental impact on their income and that they should therefore only be charged when they used the service.</p>	<p>contributions which could lead to reduce use of the service, impacting on the stability of care plans and increasing strain on carers. In addition the Council is reviewing the provision of day services to allow personalised approaches. This is likely to change the model of provision and reduce the costs. For these reason the proposal has been amended to suggest increasing costs over 2 years with the cost for 2013/2014 to be £22 which is a 50% increase in the current maximum change.</p> <p>Should the proposal to ask those with over £23,250 to commission their own services be agreed the Council will continue to have a duty to assess of all those who appear to have social care needs and to offer advice and support in setting up arrangements.</p> <p>Individuals with over the proposed capital threshold who do not have the capacity to make their own arrangements and who do not have family carers will continue to have their care arrangement made by the Council.</p> <p>As more people make their own care arrangement through the use of individual budgets the Council is developing services such as Care with Confidence to support this and these can also be accessed by those who are funding their own care should the proposal that those with over £23,250 should commission their own</p>
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		<p>services be accepted.</p> <p>Work will be undertaken in 2013/2014 to help those who currently have services arranged by the Council and who meet the capital thresholds to set up their own arrangements.</p> <p>Since the policy is based on ability to contribute and individual circumstances legal advice is that there is unlikely to be an issue of equity in the proposal to ask those who can afford it to contribute towards the costs of 2 carer packages</p> <p>Carers needs can be assessed at any time and service arranged directly for the carer. It is proposed that service which are directly provided to the carer should be free of charge.</p> <p>National guidance allows disability related benefits to be taken into account when financially assessing an individuals contribution since these benefits are given to meet care needs.</p> <p>Financial assessment for social care takes account of actual housing costs and income that the individual receives. A revised financial assessment can be undertaken at any time if income or expenditure changes.</p> <p>An assessment has been undertaken on the numbers who may be impacted by both Council tax changes and NRC contribution changes. In the</p>
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		<p>case of younger adults a scheme is proposed to be run by the Council Tax service to deal with cases of hardship. In relation to older people the effect of the proposal to remove the Pensioner Discount could be taken into account in the social care financial assessment if this was required for welfare reasons.</p> <p>Individuals make the decision to move to Extra Care to ensure help is therefore at hand in case of emergency. It would be inequitable to charge those who have a need for hands on care when all tenants are benefitting from the service.</p> <p>If the Council does not take forward the proposals to increase income other service reductions which would impact on residents would require to be considered such as the restriction of social care support to those with critical needs.</p>
Disability	<p>Social care users have critical or substantial needs generally associated with their disability.</p> <p>Some individuals may be required to contribute more.</p> <p>Consultation responses suggested that this could lead to individuals not accessing care until they are at crisis point leading to higher use of residential care. This was felt to be counter intuitive to the prevention and health and well being agenda of the Council.</p> <p>Consultation responses indicated that to increase the level of disposable income taken into account from 95% to 100%</p>	<p>No one will ever be asked to pay more than they are assessed as being able to afford. Contributions are based on the individual's income and expenditure.</p> <p>Specific disability related expenses can be taken account of in financial assessment.</p> <p>Individual circumstances can be taken into account and a decision made to reduce or waive contributions in exceptional circumstances where there are welfare</p>

	<p>would negatively impact on the quality of life of some service users. Whilst it was recognised this left service users with income 25% higher than nationally set minimum income figures it was felt this was used to meet expenditure most people would think of as essential.</p> <p>Consultation responses indicated that paying full cost of day services would result in individuals not accessing the services, destabilising care arrangements, reducing carer support and destabilising day service provision.</p> <p>Consultation responses suggested that asking individuals with over £23,250 to commission their own services would place an inappropriate pressure on family carers</p> <p>Consultation responses highlighted the concern that asking individuals who could afford to do so to meet the costs of 2 carer domiciliary care packages would increase the burden of family carers who would try to cope without a second carer. There was also a concern that this was inequitable.</p> <p>Consultation responses highlighted that the proposals could result in family carers taking more responsibility in the longer term impacting on their own well being and leading to the collapse of family care arrangements.</p> <p>Consultation responses suggested that it was inequitable to take disability related benefits onto account when deciding on an individuals contribution.</p> <p>Consultation responses highlighted that these could a cumulative impact for some individuals if they are affected by Housing Benefit Council tax and general benefit changes.</p> <p>Consultation responses indicated that the removal of the rent allowance for a small</p>	<p>reasons for doing so.</p> <p>No one will be left with an income of less than 25% above government set minimum income levels (the level of income which is required meet all day to day and occasional living expenses). This is in recognition that social care service users are likely to have higher expenditure than other citizen groups.</p> <p>The Council as a whole is committed to addressing prevention and health and well being agendas through all of its services.</p> <p>It was recognised during the consultation that to ask those who can afford to do so to pay the full economic cost of day service would represent a significant increase in contributions which could lead to reduce use of the service, impacting on the stability of care plans and increasing strain on carers. In addition the Council is reviewing the provision of day services to allow personalised approaches. This is likely to change the model of provision and reduce the costs. For these reason the proposal has been amended to suggest increasing costs over 2 years with the cost for 2013/2014 to be £22 which is a 50% increase in the current maximum change.</p> <p>Should the proposal to ask those with over £23,250 to commission their own services be agreed the Council will</p>
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	<p>group of younger disabled people living in family homes would have a significant impact on the quality of life of this group.</p>	<p>continue to have a duty to assess of all those who appear to have social care needs and to offer advice and support in setting up arrangements.</p> <p>Individuals with over the proposed capital threshold who do not have the capacity to make their own arrangements and who do not have family carers will continue to have their care arrangement made by the Council.</p> <p>As more people make their own care arrangement through the use of individual budgets the Council is developing services such as Care with Confidence to support this and these can also be accessed by those who are funding their own care should the proposal that those with over £23,250 should commission their own services be accepted.</p> <p>Work will be undertaken in 2013/2014 to help those who currently have services arranged by the Council and who meet the capital thresholds to set up their own arrangements.</p> <p>Since the policy is based on ability to contribute and individual circumstances legal advice is that there is unlikely to be an issue of equity in the proposal to ask those who can afford it to contribute towards the costs of 2 carer packages.</p> <p>Carers needs can be assessed at any time and service arranged directly for the carer. It is proposed that service which are directly provided to</p>
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	<p>the carer should be free of charge.</p> <p>National guidance allows disability related benefits to be taken into account when financially assessing an individuals contribution since these benefits are given to meet care needs.</p> <p>Financial assessment for social care takes account of actual housing costs and income that the individual receives. A revised financial assessment can be undertaken at any time if income or expenditure changes.</p> <p>An assessment has been undertaken on the numbers who may be impacted by both Council tax changes and NRC contribution changes. In the case of younger adults a scheme is proposed to be run by the Council Tax service to deal with cases of hardship. In relation to older people the effect of the proposal to remove the Pensioner Discount could be taken into account in the social care financial assessment if this was required for welfare reasons.</p> <p>In relation to the removal of the rent allowance there is an allowance in the financial assessment which is designed to meet board and lodgings costs and in addition any rent costs which are incurred are allowed for.</p> <p>To treat the group of users receiving rent allowance</p>
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		<p>differently would be inequitable to other service user groups and could lead to judicial review since the policy would not comply with national guidance.</p> <p>If the Council were to offer this allowance to all its service users this would significantly reduce income and would result in social care support only being able to be offered to those with critical needs.</p> <p>If the Council does not take forward the proposals to increase income other service reductions which would impact on residents would require to be considered such as the restriction of social care support to those with critical needs.</p>
Sex	<p>More users of social care are female.</p> <p>Some individuals may be required to contribute more.</p> <p>Consultation responses suggested that this could lead to individuals not accessing care until they are at crisis point leading to higher use of residential care. This was felt to be counter intuitive to the prevention and health and well being agenda of the Council.</p> <p>Consultation responses indicated that to increase the level of disposable income taken into account from 95% to 100% would negatively impact on the quality of life of some service users. Whilst it was recognised this left service users with income 25% higher than nationally set minimum income figures it was felt this was used to meet expenditure most people would think of as essential.</p>	<p>No one will ever be asked to pay more than they are assessed as being able to afford. Contributions are based on the individual's income and expenditure.</p> <p>Specific disability related expenses can be taken account of in financial assessment.</p> <p>Individual circumstances can be taken into account and a decision made to reduce or waive contributions in exceptional circumstances where there are welfare reasons for doing so.</p> <p>No one will be left with an income of less than 25% above government set minimum income levels (the</p>

	<p>Consultation responses indicated that paying full cost of day services would result in individuals not accessing the services, destabilising care arrangements, reducing carer support and destabilising day service provision.</p> <p>Consultation responses indicated that asking individuals with over £23,250 to commission their own services would place an inappropriate pressure on family carers.</p> <p>Consultation responses highlighted the concern that asking individuals who could afford to do so to meet the costs of 2 carer domiciliary care packages would increase the burden of family carers who would try to cope without a second carer. There was also a concern that this was inequitable.</p> <p>Consultation responses suggested that it was inequitable to take disability related benefits onto account when deciding on an individuals contribution.</p> <p>Consultation responses highlighted that these could a cumulative impact for some individuals if they are affected by Housing Benefit Council tax and general benefit changes.</p>	<p>level of income which is required meet all day to day and occasional living expenses). This is in recognition that social care service users are likely to have higher expenditure than other citizen groups.</p> <p>The Council as a whole is committed to addressing prevention and health and well being agendas through all of its services.</p> <p>It was recognised during the consultation that to ask those who can afford to do so to pay the full economic cost of day service would represent a significant increase in contributions which could lead to reduce use of the service, impacting on the stability of care plans and increasing strain on carers. In addition the Council is reviewing the provision of day services to allow personalised approaches. This is likely to change the model of provision and reduce the costs. For these reason the proposal has been amended to suggest increasing costs over 2 years with the cost for 2013/2014 to be £22 which is a 50% increase in the current maximum change.</p> <p>Should the proposal to ask those with over £23,250 to commission their own services be agreed the Council will continue to have a duty to assess of all those who appear to have social care needs and to offer advice and support in setting up arrangements.</p>
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	<p>Individuals with over the proposed capital threshold who do not have the capacity to make their own arrangements and who do not have family carers will continue to have their care arrangement made by the Council.</p> <p>As more people make their own care arrangement through the use of individual budgets the Council is developing services such as Care with Confidence to support this and these can also be accessed by those who are funding their own care should the proposal that those with over £23,250 should commission their own services be accepted.</p> <p>Work will be undertaken in 2013/2014 to help those who currently have services arranged by the Council and who meet the capital thresholds to set up their own arrangements.</p> <p>Since the policy is based on ability to contribute and individual circumstances legal advice is that there is unlikely to be an issue of equity in the proposal to ask those who can afford it to contribute towards the costs of 2 carer packages.</p> <p>Carers needs can be assessed at any time and service arranged directly for the carer. It is proposed that service which are directly provided to the carer should be free of charge.</p> <p>National guidance allows disability related benefits to be taken into account when</p>
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		<p>financially assessing an individuals contribution since these benefits are given to meet care needs.</p> <p>Financial assessment for social care takes account of actual housing costs and income that the individual receives. A revised financial assessment can be undertaken at any time if income or expenditure changes.</p> <p>An assessment has been undertaken on the numbers who may be impacted by both Council tax changes and NRC contribution changes. In the case of younger adults a scheme is proposed to be run by the Council Tax service to deal with cases of hardship. In relation to older people the effect of the proposal to remove the Pensioner Discount could be taken into account in the social care financial assessment if this was required for welfare reasons.</p> <p>If the Council does not take forward the proposals to increase income other service reductions which would impact on residents would require to be considered such as the restriction of social care support to those with critical needs.</p>
Race	No specific impact	
Religion/ Belief	No specific impact	
Marriage and	No specific impact	

Civil Partnership		
Pregnancy and maternity	No impact	
Gender reassignment	No impact	
Community Safety	No impact	
Sexual Orientation	No impact	
Poverty	<p>Many users of social care services are on fixed incomes such as pensions and disability benefits.</p> <p>Consultation responses suggested that this could lead to individuals not accessing care until they are at crisis point leading to higher use of residential care. This was felt to be counter intuitive to the prevention and health and well being agenda of the Council.</p> <p>Consultation responses indicated that to increase the level of disposable income taken into account from 95% to 100% would negatively impact on the quality of life of some service users. Whilst it was recognised this left service users with income 25% higher than nationally set minimum income figures it was felt this was used to meet expenditure most people would think of as essential.</p> <p>Consultation responses indicated that paying full cost of day services would result in individuals not accessing the services, destabilising care arrangements, reducing carer support and destabilising day service provision.</p> <p>Consultation responses indicated that asking individuals with over £23,250 to commission their own services would place an inappropriate pressure on family carers.</p> <p>Consultation responses highlighted the concern that asking individuals who could afford to do so to meet the costs of 2 carer domiciliary care packages would</p>	<p>Whilst the changes are being proposed at the same time as potential impacts of changes to benefits and housing benefit are being proposed the way contributions are calculated will take these changes into account.</p> <p>No one will ever be asked to pay more than they are assessed as being able to afford. Contributions are based on the individual's income and expenditure.</p> <p>Specific disability related expenses can be taken account of in financial assessment.</p> <p>Individual circumstances can be taken into account and a decision made to reduce or waive contributions in exceptional circumstances where there are welfare reasons for doing so.</p> <p>No one will be left with an income of less than 25% above government set minimum income levels (the level of income which is required meet all day to day and occasional living expenses). This is in recognition that social care service users are likely to have higher expenditure than other</p>

	<p>increase the burden of family carers who would try to cope without a second carer. There was also a concern that this was inequitable.</p> <p>Consultation responses suggested that it was inequitable to take disability related benefits onto account when deciding on an individuals contribution.</p> <p>Consultation responses highlighted that these could a cumulative impact for some individuals if they are affected by Housing Benefit Council tax and general benefit changes.</p>	<p>citizen groups.</p> <p>The Council as a whole is committed to addressing prevention and health and well being agendas through all of its services.</p> <p>It was recognised during the consultation that to ask those who can afford to do so to pay the full economic cost of day service would represent a significant increase in contributions which could lead to reduce use of the service, impacting on the stability of care plans and increasing strain on carers. In addition the Council is reviewing the provision of day services to allow personalised approaches. This is likely to change the model of provision and reduce the costs. For these reason the proposal has been amended to suggest increasing costs over 2 years with the cost for 2013/2014 to be £22 which is a 50% increase in the current maximum change.</p> <p>Should the proposal to ask those with over £23,250 to commission their own services be agreed the Council will continue to have a duty to assess of all those who appear to have social care needs and to offer advice and support in setting up arrangements.</p> <p>Individuals with over the proposed capital threshold who do not have the capacity to make their own arrangements and who do not have family carers will continue to have their care arrangement made</p>
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		<p>by the Council.</p> <p>As more people make their own care arrangement through the use of individual budgets the Council is developing services such as Care with Confidence to support this and these can also be accessed by those who are funding their own care should the proposal that those with over £23,250 should commission their own services be accepted.</p> <p>Work will be undertaken in 2013/2014 to help those who currently have services arranged by the Council and who meet the capital thresholds to set up their own arrangements.</p> <p>Since the policy is based on ability to contribute and individual circumstances legal advice is that there is unlikely to be an issue of equity in the proposal to ask those who can afford it to contribute towards the costs of 2 carer packages.</p> <p>Carers needs can be assessed at any time and service arranged directly for the carer. It is proposed that service which are directly provided to the carer should be free of charge.</p> <p>National guidance allows disability related benefits to be taken into account when financially assessing an individuals contribution since these benefits are given to meet care needs.</p> <p>Financial assessment for social care takes account of</p>
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		<p>actual housing costs and income that the individual receives. A revised financial assessment can be undertaken at any time if income or expenditure changes.</p> <p>An assessment has been undertaken on the numbers who may be impacted by both Council tax changes and NRC contribution changes. In the case of younger adults a scheme is proposed to be run by the Council Tax service to deal with cases of hardship. In relation to older people the effect of the proposal to remove the Pensioner Discount could be taken into account in the social care financial assessment if this was required for welfare reasons.</p> <p>If the Council does not take forward the proposals to increase income other service reductions which would impact on residents would require to be considered such as the restriction of social care support to those with critical needs.</p>
Staff	No impact	

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Equality Impact Assessment Proposals Considered in July 2012

EIA No:
Appendix 10
AS10 2 Carer

The **public sector Equality Duty** (Section 149 of the Equality Act) requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity, and foster good relations between different people carrying out their activities.

The Equality Duty supports good decision making – it encourages public bodies to be more efficient and effective by understanding how different people will be affected by their activities, so that their policies and services are appropriate and accessible to all and meet different people's needs. The City Council's Equality Impact Assessments (EIA) includes an assessment of the community safety impact assessment to comply with section 17 of the Crime and Disorder Act and will enable the council to better understand the potential impact of the budget proposals and consider mitigating action.

Portfolio Reference No. AS10 – 2 Carer Packages	Proposal: Increase in income arising from changes to the Non Residential Care Charging Policy
Volumes (numbers of customers) and Profile	A snapshot of service users at August 2012 which was undertaken to consider the impact of proposals prior to public consultation showed that 105 individuals received a two carer package and 1 individual received a three carer package. This includes people with disabilities and illnesses, those with mental health issues and people with learning disabilities. 24 individuals would be affected. Of these, 18 contribute at full cost due to capital or refusal to disclose income. The average increase would be £5,498 per annum and the range is from £34 - £12,700 per annum.
Staffing and budget	Not applicable
Summary of Impact and Issues	Individuals who have 2 carer packages will require to pay the full cost of this care if assessed as able to contribute to this level
Potential	Supports the development of personalised approach to

Positive Impacts	<p>the delivery of social care.</p> <p>Ensures the policy meets revised Department of Health guidance.</p> <p>Ensures equitable treatment of those receiving social care.</p>
Responsible Service Manager	<u>C Valentine</u>
Date	<u>10.01.13</u>

Approval by Senior Manager	
Name:	<u>C Valentine</u>
Signature	
Date	<u>10.01.13</u>

Potential Impact

Group	Details of Impact	Possible Solutions & Mitigating Actions
<p>Age</p>	<p>The majority of social care users are over 65.</p> <p>Some individuals may be required to contribute more.</p> <p>Consultation responses suggested that this could result in some individuals only accessing care when they are at crisis point leading to higher use of residential care. The proposals were therefore felt to be counter intuitive to the prevention and health and well being agenda of the Council.</p> <p>Consultation responses highlighted a concern that asking individuals who could afford to do so to meet the costs of two carer domiciliary care packages would increase the burden of family carers, who would try to cope without a second carer. There was a concern that this was inequitable.</p>	<p>No one will ever be asked to pay more than they are assessed as being able to afford. Contributions are based on the individual's income and expenditure.</p> <p>Specific disability related expenses can be taken account of in financial assessment.</p> <p>Individual circumstances can be taken into account and a decision made to reduce or waive contributions in exceptional circumstances where there are welfare reasons for doing so.</p> <p>Since the policy is based on ability to contribute and individual circumstances, legal advice is that there is unlikely to be an issue of equity in the proposal to ask those who can afford it to contribute towards the costs of two carer packages.</p> <p>Carers needs can be assessed at any time and service arranged directly for the carer. It is proposed that services which are directly provided to the carer should be free of charge.</p> <p>If the Council does not take forward the proposals to increase</p>

		<p>income, other service reductions which would impact on residents would require to be considered such as the restriction of social care support to those with critical needs.</p>
<p>Disability</p>	<p>Social care users have critical or substantial needs generally associated with their disability.</p> <p>Some individuals may be required to contribute more.</p> <p>Consultation responses suggested that this could result in some individuals only accessing care when they are at crisis point leading to higher use of residential care. The proposals were therefore felt to be counter intuitive to the prevention and health and well being agenda of the Council.</p> <p>Consultation responses highlighted a concern that asking individuals who could afford to do so to meet the costs of two carer domiciliary care packages would increase the burden of family carers, who would try to cope without a second carer. There was a concern that this was inequitable.</p>	<p>No one will ever be asked to pay more than they are assessed as being able to afford. Contributions are based on the individual's income and expenditure.</p> <p>Specific disability related expenses can be taken account of in financial assessment.</p> <p>Individual circumstances can be taken into account and a decision made to reduce or waive contributions in exceptional circumstances where there are welfare reasons for doing so.</p> <p>Since the policy is based on ability to contribute and individual circumstances, legal advice is that there is unlikely to be an issue of equity in the proposal to ask those who can afford it to contribute towards the costs of two carer packages.</p> <p>Carers needs can be assessed at any time and service arranged directly for the carer. It is proposed that services which are directly provided to the carer</p>

		<p>should be free of charge.</p> <p>If the Council does not take forward the proposals to increase income, other service reductions which would impact on residents would require to be considered such as the restriction of social care support to those with critical needs.</p>
<p>Sex</p>	<p>More users of social care are female.</p> <p>Some individuals may be required to contribute more.</p> <p>Consultation responses suggested that this could result in some individuals only accessing care when they are at crisis point leading to higher use of residential care. The proposals were therefore felt to be counter intuitive to the prevention and health and well being agenda of the Council.</p> <p>Consultation responses highlighted a concern that asking individuals who could afford to do so to meet the costs of two carer domiciliary care packages would increase the burden of family carers, who would try to cope without a second carer. There was a concern that this was inequitable.</p>	<p>No one will ever be asked to pay more than they are assessed as being able to afford. Contributions are based on the individual's income and expenditure.</p> <p>Specific disability related expenses can be taken account of in financial assessment.</p> <p>Individual circumstances can be taken into account and a decision made to reduce or waive contributions in exceptional circumstances where there are welfare reasons for doing so.</p> <p>Since the policy is based on ability to contribute and individual circumstances, legal advice is that there is unlikely to be an issue of equity in the proposal to ask those who can afford it to contribute towards the costs of two carer packages.</p> <p>Carers needs can be assessed at any time and</p>

		<p>service arranged directly for the carer. It is proposed that services which are directly provided to the carer should be free of charge.</p> <p>If the Council does not take forward the proposals to increase income, other service reductions which would impact on residents would require to be considered such as the restriction of social care support to those with critical needs.</p>
Race		
Religion or Belief		
Marriage and Civil Partnership		
Pregnancy and Maternity		
Gender Reassignment		
Community Safety		
Sexual Orientation		
Poverty	<p>Many users of social care services are on fixed incomes such as pensions and disability benefits.</p> <p>Some individuals may be required to contribute more.</p> <p>Consultation responses</p>	<p>No one will ever be asked to pay more than they are assessed as being able to afford. Contributions are based on the individual's income and expenditure.</p> <p>Specific disability related expenses can be taken</p>

	<p>suggested that this could result in some individuals only accessing care when they are at crisis point leading to higher use of residential care. The proposals were therefore felt to be counter intuitive to the prevention and health and well being agenda of the Council.</p> <p>Consultation responses highlighted a concern that asking individuals who could afford to do so to meet the costs of two carer domiciliary care packages would increase the burden of family carers, who would try to cope without a second carer. There was a concern that this was inequitable.</p>	<p>account of in financial assessment.</p> <p>Individual circumstances can be taken into account and a decision made to reduce or waive contributions in exceptional circumstances where there are welfare reasons for doing so.</p> <p>Since the policy is based on ability to contribute and individual circumstances, legal advice is that there is unlikely to be an issue of equity in the proposal to ask those who can afford it to contribute towards the costs of two carer packages.</p> <p>Carers needs can be assessed at any time and service arranged directly for the carer. It is proposed that services which are directly provided to the carer should be free of charge.</p> <p>If the Council does not take forward the proposals to increase income, other service reductions which would impact on residents would require to be considered such as the restriction of social care support to those with critical needs.</p>
Staff		

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Appendix 2a NRC Charging Policy Review – Benchmarking exercise (information used in Officer led review)

NRC Comparison Table

Areas	BRIGHTON	BOURNMOUTH	DERBY	HAMPSHIRE	HERTFORD SHIRE	LUTON	PORTSMOUTH	SUFFOLK	WILTSHIRE
% of Disposable Income Level	100% (However, do allow the highest PC+25% allowance for ALL age groups.)	100%	100% - no subsidy	95%	100%	100%	100%	90%	80%
Lower Threshold for contribution	£3.00 per week is lowest charge	£2.50 per week due to administration costs	£2	£3.00	£1	£2.50	£1	£1	£2 per week
Does this apply to DP users	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Rent Allowance	Unless HB applies, we always assume these costs are paid from the living allowance and no further allowance is given.	No, this would be covered by the personal allowance	No, this would be covered by the personal allowance	Only where it can be evidenced-rear in practice	No	Yes – living with parents £9.40 pw for rent	No – however we allow non-dependant deduction rate for HB to cover all housing costs	No	Would need to see evidence for this and must meet housing benefit regulations
What do you expect the rent allowance to be used for						Not what HB allows for can not be used for food Bedroom provision. But can be used for lodging area, bedroom furnishing and insurance			

Appendix 2a NRC Charging Policy Review – Benchmarking exercise (information used in Officer led review)

Areas	BRIGHTON	BOURNMOUTH	DERBY	HAMPSHIRE	HERTFORD SHIRE	LUTON	PORTSMOUTH	SUFFOLK	WILTSHIRE
Do you back date charges?	Yes, the assessment applies from the date the extra income applies.	We backdate the charge to the date the increase in benefit was allowed. We make this clear in all our letters to SU re charging	yes but each case is based on individual circumstance The assessment is backdated reflecting the changes to the income/capital and re-invoiced	SU made aware this increase may be taken into account at a later date	No	Depends but not normally, if informed within reasonable time period (usually 4 – 6 weeks). But if not informed yes we will backdate as recent case we backdated charges for 3yrs	Yes – 6 months or beginning of financial year which ever is in the clients favour. Fairer Charging.	Yes, letters to SU ask them to let us know about any increase in their income or savings and calculate on individual basis.	Encouraged to apply for all benefits entitlement, if deliberately avoiding than backdate to start of care
Personal Debts				Not ordinarily	No, unless debt relates directly to disability – e.g. loan to buy disability equipment not covered by DFG			It depends what they are for. We also offer debt advice to the customer	
Under Guardianship is Contribution paid	Yes			Yes	Not Sure	No	Yes	Yes	Not Sure
Independent Living Fund – New Policy	Not yet	Not yet	Not yet	Cases looked at on an individual basis if financial assessment disputed	Not yet	Not yet	Client will be supported in budgeting skills to meet any shortfall – LA does not accept responsibility	Not yet	Not yet

Appendix 2a NRC Charging Policy Review – Benchmarking exercise (information used in Officer led review)

Areas	BRIGHTON	BOURNMOUTH	DERBY	HAMPSHIRE	HERTFORD SHIRE	LUTON	PORTSMOUTH	SUFFOLK	WILTSHIRE
Respite Care	CRAG for residential placements. NRC if part of general care package and non-registered breaks or home care.	CRAG for residential home then we charge. If we give a DP and are not sure when and where the respite will take place it is done under FC	Under review at present. CRAG for residential home DP NRC	From 9/4/12 the NRC calculation contribution	FC	CRAG flat rate of £84 pw than after 8 weeks – full financial assessment completed	CRAG	Currently CRAG, although looking at changing some to Fairer Charging	CRAG for residential NRC for DP
Does this apply to DP users?	Yes	Yes	Yes – assessed under NRC	Yes	Yes	Yes	YES	No. Direct Payments are always assessed under Fairer Charging	NRC if non residential - same as DP
Day Care Rates	From April 2012 Day Care Max Charge is £23.50 per day (no reductions for half day etc.) Meals at DC (where applicable) Fixed Price Charge @ £3.10 per day Transport for DC (where applicable) Fixed Charge @ £2.15 per return	We currently charge £9.60 per day but are about to go out to consultation with the actual cost of the Day Care	Older person day care - £41.24 per day. Learning Disabilities - £38 - £98 per day, dependent on level	Varies. Its Rate actual cost of purchased or provided services.	£39.34	£14.50 per day and looking to review this	Charges against actual cost of service up to a maximum of £40.00 per week (capped rated following customer consultation	The maximum charge is the cost of the service	Do not charge for in-house services

Appendix 2a NRC Charging Policy Review – Benchmarking exercise (information used in Officer led review)

Areas	BRIGHTON	BOURNMOUTH	DERBY	HAMPSHIRE	HERTFORD SHIRE	LUTON	PORTSMOUTH	SUFFOLK	WILTSHIRE
Is Day Care Credit given	Yes, we only charge when people actually attend	We only charge for actual attendance	Yes, we only charge for actual attendance/service delivery unless short notice by the customer	No, an alternative day is offered if unplanned	Yes	Yes, maximum of 14.50 for 3 weeks and only if higher than assessed contribution	Yes – charge against actual service provided – unless due to client non-attendance. We require 24 hours notice to be given, if not we still charge		Do no Charge for in-house services
Classification of One-Off Services			If the budget is taken as a direct payment, insurance, equipment, CRB checks are one-off payments. Also respite		Equipment DPU	Pet care only for respite care/ not hospital	Equipment purchases, emergency child care, emergency pet care	counselling if not ongoing	Do no Charge for in-house services
Do individuals contribute towards one-off services			Above, yes, Equipment, no.		No	No	NO	Yes, depending on financial assessment	NO
Hospital Stay do individuals continue to pay	Only DP Users	<i>Only DP Users</i>	No	Only for break in service for 5 days or more,	No	no	No	No	Not for 7 days
Does this apply to DP Users	Yes	Yes	Yes	Yes					

Appendix 2a NRC Charging Policy Review – Benchmarking exercise (information used in Officer led review)

Areas	BRIGHTON	BOURNMOUTH	DERBY	HAMPSHIRE	HERTFORD SHIRE	LUTON	PORTSMOUTH	SUFFOLK	WILTSHIRE
Sleep in / waking Night what is max contribution?	Full cost capped at £900	£12.95 for Sleep in t	Full cost	No Cap	Sleep in is of £14.50 per hour = waking night is £145 per night	Full cost	Full cost	Full Cost	unsure
Live in what is max amount an individual can pay?	Full cost capped at £900	Full cost	Full cost	No Cap	Capped at £334 per week	Full cost	Full cost	Full cost	Full Cost
Two carer packages – is 2nd carer charged for?	YES	No	No– if for H&S reasons	No	No tried to introduce it last year but councillors did not want it. Will try again this year 2 nd carer for health & safety only	Yes if this is carer related (e.g. use of hoist etc) no if provider health and safety reason (e.g. internal policies to visit in pairs in certain areas after dark).	Yes	Yes	yes
Backdating charges – when do you charge from if individuals fails to notify you?	Backdate to start of service or date capital acquired if later	Letter to SU states if there is a change in financial situation they must contact us we would look closely at whether or not to backdate a charge	Customers can opt for an individual or couples assessment. Couples income is added together to determine contribution. Normally better off as single	Monday following notification of their max weekly contribution	Joint and single assessment choose most favourable. Single assessment use ½ couple threshold as IS+25	If both receiving services calculated on single persons rate as are better off usually	If there is PC/IS entitlement we complete a couple assessment as per Fairer charging.		Assess individually

Appendix 2a NRC Charging Policy Review – Benchmarking exercise (information used in Officer led review)

			assessment						
Areas	BRIGHTON	BOURNMOUTH	DERBY	HAMPSHIRE	HERTFORD SHIRE	LUTON	PORTSMOUTH	SUFFOLK	WILTSHIRE
Couples contribution	Treat as couple initially unless specific request to treat individually	Take into accounts both parties income and capital less PC/IS + 25% to give disposable income	Customers can opt for an individual or couples assessment. Couples income is added together to determine contribution. Normally better off as single assessment	Based on 50% of household income/ capital & 100 of Benefits & DRE specific to the service user	Joint and single assessment choose most favourable. Single assessment use ½ couple threshold as IS+25	If both receiving services calculated on single persons rate as are better off usually	If there is PC/IS entitlement we complete a couples assessment as per Fairer charging.		Assess individually
Self funders	100% capped at £900	100%	100%	100%	100%	Capped at £334.50	100%	100%	100%
Compensation	We will always charge where the rules allow but you must follow CRAG for capital inclusions. You don't have to follow CRAG for income, so we will always charge on income from disregarded capital.	We are looking into developing a policy re personal injury claims and future awards re care	Take any interest from the compensation as income but disregard the capital amount. Do not allow the customer to claim DRE as the compensation money would	Have consulted on this and now take compensation into account where lawful to do so.	Depends on how held – check CRAG. Not had one yet.	Underlying issue is what is not to do with the accident, the council picks up this cost the rest is made up of the compensation award. The compensation award is	Yes – not experienced in few years	Currently, we disregard compensation	Depends on how the compensation award & what level of award is for care and what element of the support package is for the care award, which is than calculated against the care package, in terms of what element of the care would be

Appendix 2a NRC Charging Policy Review – Benchmarking exercise (information used in Officer led review)

			be used for disability related expenditure.			only used for services cost towards the accident			needed if the compensation was not needed / or incident did not occur
Areas	BRIGHTON	BOURNMOUTH	DERBY	HAMPSHIRE	HERTFORD SHIRE	LUTON	PORTSMOUTH	SUFFOLK	WILTSHIRE
Carers services	No	No	No	No	No	No	No	No	No
Online matrix system	No	No	No	No	No	No	No	No	No
Good practice			With the move to direct payments, it is important that Visiting Officers do not include expenditure which is being used from the direct payments i.e. respite care. On review, the VO should be asking about DRE to ensure it was not used from direct payments.	FAB visits are initially booked a.m. or p.m. by an Admin team and confirmed day before visit					

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Equality Impact Assessment Proposals Considered in July 2012

EIA No:
Appendix 12
AS10 - Capital

The **public sector Equality Duty** (Section 149 of the Equality Act) requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity, and foster good relations between different people carrying out their activities.

The Equality Duty supports good decision making – it encourages public bodies to be more efficient and effective by understanding how different people will be affected by their activities, so that their policies and services are appropriate and accessible to all and meet different people's needs. The City Council's Equality Impact Assessments (EIA) includes an assessment of the community safety impact assessment to comply with section 17 of the Crime and Disorder Act and will enable the council to better understand the potential impact of the budget proposals and consider mitigating action.

Portfolio Reference No. AS10	Proposal: Increase in income arising from changes to the Non Residential Care Charging Policy.
Volumes (numbers of customers) and Profile	A snapshot of service users at August 2012 which was undertaken to consider the impact of the proposals prior to public consultation showed 313 individuals would be affected by this proposal. This includes people with disabilities and illnesses, those with mental health issues, people with learning disabilities and people with substance misuse problems.
Staffing and budget	Not applicable
Summary of Impact and Issues	Individuals who have over £23250 in capital and savings excluding the home they currently live in will be expected to commission their own services.
Potential Positive Impacts	Supports the development of personalised approach to the delivery of social care. Ensures the policy meets revised Department of Health guidance. Ensures equitable treatment of those receiving social care.

Responsible Service Manager	<u>C. Valentine</u>
Date	<u>10.01.13</u>

Approval by Senior Manager	
Name:	<u>C. Valentine</u>
Signature	
Date	<u>10.01.13</u>

Potential Impact

Group	Details of Impact	Possible Solutions & Mitigating Actions
<p>Age</p>	<p>The majority of social care users are over 65.</p> <p>Individuals may need to find support to make the arrangements for their care.</p> <p>Consultation responses indicated that asking individuals with over £23,250 to commission their own services would place an inappropriate pressure on family carers.</p> <p>Consultation responses highlighted that the proposals could result in family carers taking more responsibility in the longer term impacting on their own well being and leading to the collapse of family care arrangements.</p>	<p>Should the proposal to ask those with over £23,250 to commission their own services be agreed the Council will continue to have a duty to assess of all those who appear to have social care needs and to offer advise and support in setting up arrangements.</p> <p>Individuals with over the proposed capital threshold who do not have the capacity to make their own arrangements and who do not have family carers will continue to have their care arrangement made by the Council.</p> <p>As more people make their own care arrangement through the use of individual budgets the Council is developing services such as Care with Confidence to support this and these can also be accessed by those who are funding their own care should the proposal that those with over £23,250 should commission their own services be accepted.</p> <p>Work will be undertaken in 2013/2014 to help those who currently have services arranged by the Council and who meet the capital thresholds to set up their own</p>

		<p>arrangements.</p> <p>Carers needs can be assessed at any time and service arranged directly for the carer. It is proposed that services which are directly provided to the carer should be free of charge.</p>
<p>Disability</p>	<p>Social care users have critical or substantial need generally associated with their disability.</p> <p>Individuals may need to find support to make the arrangements for their care.</p> <p>Consultation responses indicated that asking individuals with over £23,250 to commission their own services would place an inappropriate pressure on family carers.</p> <p>Consultation responses highlighted that the proposals could result in family carers taking more responsibility in the longer term impacting on their own well being and leading to the collapse of family care arrangements.</p>	<p>Should the proposal to ask those with over £23,250 to commission their own services be agreed the Council will continue to have a duty to assess of all those who appear to have social care needs and to offer advise and support in setting up arrangements.</p> <p>Individuals with over the proposed capital threshold who do not have the capacity to make their own arrangements and who do not have family carers will continue to have their care arrangement made by the Council.</p> <p>As more people make their own care arrangement through the use of individual budgets the Council is developing services such as Care with Confidence to support this and these can also be accessed by those who are funding their own care should the proposal that those with over £23,250 should commission their own</p>

		<p>services be accepted.</p> <p>Work will be undertaken in 2013/2014 to help those who currently have services arranged by the Council and who meet the capital thresholds to set up their own arrangements.</p> <p>Carers needs can be assessed at any time and service arranged directly for the carer. It is proposed that services which are directly provided to the carer should be free of charge.</p>
<p>Sex</p>	<p>More users of social care are female.</p> <p>Individuals may need to find support to make the arrangements for their care.</p> <p>Consultation responses indicated that asking individuals with over £23,250 to commission their own services would place an inappropriate pressure on family carers.</p> <p>Consultation responses highlighted that the proposals could result in family carers taking more responsibility in the longer term impacting on their own well being and leading to the collapse of family care arrangements.</p>	<p>Should the proposal to ask those with over £23,250 to commission their own services be agreed the Council will continue to have a duty to assess of all those who appear to have social care needs and to offer advise and support in setting up arrangements.</p> <p>Individuals with over the proposed capital threshold who do not have the capacity to make their own arrangements and who do not have family carers will continue to have their care arrangement made by the Council.</p> <p>As more people make their own care arrangement through the use of individual budgets the Council is developing services such as Care</p>

		<p>with Confidence to support this and these can also be accessed by those who are funding their own care should the proposal that those with over £23,250 should commission their own services be accepted.</p> <p>Work will be undertaken in 2013/2014 to help those who currently have services arranged by the Council and who meet the capital thresholds to set up their own arrangements.</p> <p>Carers needs can be assessed at any time and service arranged directly for the carer. It is proposed that services which are directly provided to the carer should be free of charge.</p>
Race		
Religion or Belief		
Marriage and Civil Partnership		
Pregnancy and Maternity		
Gender Reassignment		
Community Safety		
Sexual Orientation		

Poverty		
Staff		

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EQUALITY IMPACT ASSESSMENT Proposals considered in July 2012

The public sector Equality Duty (Section 149 of the Equality Act) requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity, and foster good relations between different people carrying out their activities.

The Equality Duty supports good decision making – it encourages public bodies to be more efficient and effective by understanding how different people will be affected by their activities, so that their policies and services are appropriate and accessible to all and meet different people’s needs. The City Council’s Equality Impact Assessments (EIA) includes an assessment of the community safety impact assessment to comply with section 17 of the Crime and Disorder Act and will enable the council to better understand the potential impact of the budget proposals and consider mitigating action.

Portfolio Reference No. AS10 Overnight Care	Proposal: Increase in income arising from proposed changes to the Non Residential Charging Policy
Volumes (number of customers) and profile	A snapshot of service users at August 2012 which was undertaken to consider the impact of the proposals showed 71 individuals living in Extra Care Sheltered Housing and 35 individuals living in their own homes received this service. This includes people with disabilities and illnesses, those with mental health issues and people with learning disabilities. 18 individuals in Extra Care would be affected of whom 7 currently contribute at the maximum rate. The annual increase in contributions would range from £91.68 to £1,334.78, with the average increase being £1,182.06.
Staffing and budget	Not applicable.
Summary of impact and Issues	Individuals receiving overnight care at home or in Extra Care Housing will be asked to contribute towards the costs of the service.
Potential Positive Impact	Supports the development of personalised approach to the delivery of social care. Ensures the policy meets revised Department of Health guidance. Ensures equitable treatment of those receiving social care.

Responsible Service Manager : C. Valentine	
Date: 10.01.13	
Approval by Senior Manager	
Name:	C. Valentine
Signature:	
Date:	10.01.13

POTENTIAL IMPACT		
Group	Details of impact	Possible Solutions/ Mitigating Actions
Age	<p>The majority of social care users are over 65.</p> <p>Some individuals may be required to contribute more.</p> <p>Individuals in Extra Care highlighted that they had not understood they would be liable for these costs and that this would have a detrimental impact on their income and that they should therefore only be charged when they use the service.</p>	<p>No one will ever be asked to pay more than they are assessed as being able to afford. Contributions are based on the individual's income and expenditure.</p> <p>Specific disability related expenses can be taken account of in financial assessment.</p> <p>Individual circumstances can be taken into account and a decision made to reduce or waive contributions in exceptional circumstances where there are welfare reasons for doing so.</p> <p>No one will be left with an income of less than 25% above government set minimum income levels (the level of income which is required to meet all day to day and occasional living expenses). This is in recognition that social care service users are likely to have higher expenditure than other citizen groups.</p> <p>Individuals make the decision to move to Extra Care to ensure help is therefore at hand in case of emergency. It would be inequitable to charge those who have a need for hands on care when all tenants are benefiting from the service.</p>
Disability	Social care users have critical or substantial needs generally associated	Individuals will contribute based on the individual

	<p>with their disability</p> <p>Some individuals may be required to contribute more</p>	<p>assessment of their means</p> <p>No one will be left with an income of less than DWP minimum income guarantee plus 25%</p> <p>Anyone who feels they have to refuse care because of the impact of the additional cost will be assessed and support provided to meet eligible need</p>
Sex	<p>More users of social care are female.</p> <p>Some individuals may be required to contribute more.</p> <p>Individuals in Extra Care highlighted that they had not understood they would be liable for these costs and that this would have a detrimental impact on their income and that they should therefore only be charged when they use the service.</p>	<p>No one will ever be asked to pay more than they are assessed as being able to afford. Contributions are based on the individual's income and expenditure.</p> <p>Specific disability related expenses can be taken account of in financial assessment.</p> <p>Individual circumstances can be taken into account and a decision made to reduce or waive contributions in exceptional circumstances where there are welfare reasons for doing so.</p> <p>No one will be left with an income of less than 25% above government set minimum income levels (the level of income which is required to meet all day to day and occasional living expenses). This is in recognition that social care service users are likely to have higher expenditure than other citizen groups.</p> <p>Individuals make the decision to move to Extra Care to ensure help is therefore at</p>

		hand in case of emergency. It would be inequitable to charge those who have a need for hands on care when all tenants are benefiting from the service.
Race	No impact	
Religion/ Belief	No impact	
Marriage and Civil Partnership	No impact	
Pregnancy and maternity	No impact	
Gender reassignme nt	No impact	
Community Safety	No impact	
Sexual Orientation	No impact	
Poverty	<p>Many users of social care services are on fixed incomes such as pensions and disability benefits.</p> <p>Some individuals will require to contribute more.</p> <p>Individuals in Extra Care highlighted that they had not understood they would be liable for these costs and that this would have a detrimental impact on their income and that they should therefore only be charged when they use the service.</p>	<p>No one will ever be asked to pay more than they are assessed as being able to afford. Contributions are based on the individual's income and expenditure.</p> <p>Specific disability related expenses can be taken account of in financial assessment.</p> <p>Individual circumstances can be taken into account and a decision made to reduce or waive contributions in exceptional circumstances where there are welfare reasons for doing so.</p> <p>No one will be left with an income of less than 25% above government set</p>

		<p>minimum income levels (the level of income which is required to meet all day to day and occasional living expenses). This is in recognition that social care service users are likely to have higher expenditure than other citizen groups.</p> <p>Individuals make the decision to move to Extra Care to ensure help is therefore at hand in case of emergency. It would be inequitable to charge those who have a need for hands on care when all tenants are benefiting from the service.</p>
Staff	No impact	

Equality Impact Assessment Proposals Considered in July 2012

The **public sector Equality Duty** (Section 149 of the Equality Act) requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity, and foster good relations between different people carrying out their activities.

The Equality Duty supports good decision making – it encourages public bodies to be more efficient and effective by understanding how different people will be affected by their activities, so that their policies and services are appropriate and accessible to all and meet different people's needs. The City Council's Equality Impact Assessments (EIA) includes an assessment of the community safety impact assessment to comply with section 17 of the Crime and Disorder Act and will enable the council to better understand the potential impact of the budget proposals and consider mitigating action.

Portfolio Reference No.	Proposal: Increase in income arising from proposed changed to Non Residential Charging Policy.
Volumes (numbers of customers) and Profile	A snapshot of service users at August 2012 which was undertaken to consider the impact of the proposals prior to consultation showed 108 individuals received the allowance. This includes people with learning disabilities. 61 of whom would contribute towards their care for the first time. The average additional contribution would be £1,639 with the minimum contribution being £245 and the maximum £2,085.
Staffing and budget	Not applicable
Summary of Impact and Issues	To remove the current rent allowance given to a small number of individuals with a learning disability.
Potential Positive Impacts	<ul style="list-style-type: none"> - Supports the development of personalised approach to the deliver of social care. - Ensures the policy meets revised Department of Health guidance. - Ensures equitable treatment of those receiving social care.

Responsible Service Manager	<u>C Valentine</u>
Date	<u>10.01.13</u>

Approval by Senior Manager	
Name:	<u>C Valentine</u>
Signature	
Date	<u>10.01.13</u>

Potential Impact

Group	Details of Impact	Possible Solutions & Mitigating Actions
Age		
Disability	<p>The allowance is only given to proportion of individuals with a learning disability who are receiving social care services</p> <p>Some individuals may be required to contribute more.</p> <p>Consultation responses suggested that this could result in some individuals only accessing care when they are at crisis point leading to higher use of residential care. The proposals were therefore felt to be counter intuitive to the prevention and health and wellbeing agenda of the Council.</p> <p>Consultation responses indicated that the removal of the rent allowance for a small group of younger disabled people living in family homes would have a significant impact on the quality of life of this group.</p> <p>Consultation responses highlighted that the proposals could result in family carers taking more responsibility in the longer term impacting on their own well being and leading to the collapse of family care arrangements.</p>	<p>No one will ever be asked to pay more than they are assessed as being able to afford. Contributions are based on the individual's income and expenditure.</p> <p>Specific disability related expenses can be taken account of in financial assessment.</p> <p>Individual circumstances can be taken into account and a decision made to reduce or waive contributions in exceptional circumstances where there are welfare reasons for doing so.</p> <p>No one will be left with an income of less than 25% above government income levels (the level of income which is required to meet all day to day and occasional living expenses.) This is in recognition that social care service users are likely to have higher expenditure than other citizen groups.</p> <p>The Council as a whole is committed to addressing prevention and health and well being agendas through all of its services.</p> <p>Carers needs can be assessed at any time and service arranged directly for the carer. It is proposed that services which are directly provided to the carer should</p>

		<p>be free of charge.</p> <p>If the Council does not take forward the proposals to increase income, other service reductions which would impact on residents would require to be considered such as the restriction of social care support to those with critical needs.</p>
Sex		
Race		
Religion or Belief		
Marriage and Civil Partnership		
Pregnancy and Maternity		
Gender Reassignment		
Community Safety		
Sexual Orientation		
Poverty	<p>Many users of social care services are on fixed incomes such as pensions and disability benefits</p> <p>Some individuals may be required to contribute more.</p> <p>Consultation responses suggested that this could result in some individuals only accessing care when they are at crisis point leading to higher use of residential care. The proposals were therefore felt to be counter intuitive to the prevention and health and well</p>	<p>No one will ever be asked to pay more than they are assessed as being able to afford. Contributions are based on the individual's income and expenditure.</p> <p>Specific disability related expenses can be taken account of in financial assessment.</p> <p>Individual circumstances can be taken into account and a decision made to</p>

	<p>being agenda of the Council.</p> <p>Consultation responses highlighted that the proposals could result in family carers taking more responsibility in the longer term impacting on their own well being and leading to the collapse of family care arrangements.</p>	<p>reduce or waive contributions in exceptional circumstances where there are welfare reasons for doing so.</p> <p>No one will be left with an income of less than 25% above government set minimum income levels (the level of income which is required to meet all day to day and occasional living expenses). This is in recognition that social care service users are likely to have higher expenditure than other citizen groups.</p> <p>The Council as a whole is committed to addressing prevention and health and well being agendas through all of its services.</p> <p>Carers needs can be assessed at any time and services arranged directly for the carer. It is proposed that services which are directly provided to the carer should be free of charge.</p> <p>If the Council does not take forward the proposals to increase income other service reductions which would impact on residents would require to be considered such as the restriction of social care support to those with critical needs.</p>
Staff		

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Equality Impact Assessment Proposals Considered in July 2012

The **public sector Equality Duty** (Section 149 of the Equality Act) requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity, and foster good relations between different people carrying out their activities.

The Equality Duty supports good decision making – it encourages public bodies to be more efficient and effective by understanding how different people will be affected by their activities, so that their policies and services are appropriate and accessible to all and meet different people's needs. The City Council's Equality Impact Assessments (EIA) includes an assessment of the community safety impact assessment to comply with section 17 of the Crime and Disorder Act and will enable the council to better understand the potential impact of the budget proposals and consider mitigating action.

Portfolio Reference No.	Proposal: Increase in income arising from changes to the Non Residential Care Charging Policy
Volumes (numbers of customers) and Profile	A snapshot of service users at August 2012 which was undertaken to consider the impact of the proposals prior to public consultation showed no individuals receiving domiciliary care would be affected and of the 527 individuals receiving day services 203 are affected. This includes people with disabilities and illnesses, those with mental health issues, people with learning disabilities and people with substance misuse problems. The range of annual contributions increase would be between £7.50 and £2,166 with the average being £595.
Staffing and budget	Not applicable.
Summary of Impact and Issues	Requiring a contribution of up to the full cost of the day care and domiciliary care services for those who are assessed as able to pay.
Potential Positive Impacts	Supports the development of personalised approach to the delivery of social care. Ensures the policy meets revised Department of Health

	guidance. Ensures equitable treatment of those receiving social care.
Responsible Service Manager	<u>C Valentine</u>
Date	<u>10.01.13</u>

Approval by Senior Manager	
Name:	<u>C Valentine</u>
Signature	
Date	<u>10.01.13</u>

Potential Impact

Group	Details of Impact	Possible Solutions & Mitigating Actions
<p>Age</p>	<p>The majority of social care users are over 65.</p> <p>Some individuals may be required to contribute more.</p> <p>Consultation responses suggested that this could result in some individuals only accessing care when they are at crisis point leading to higher use of residential care. The proposals were therefore felt to be counter intuitive to the prevention and health and well being agenda of the Council.</p> <p>Consultation responses suggested that paying full cost of day services would result in individuals not accessing the services, destabilising care arrangements, reducing carer support and destabilising day service provision.</p> <p>Consultation responses highlighted that the proposals could result in family carers taking more responsibility in the longer term impacting on their own well being and leading to the collapse of family care arrangements.</p>	<p>No one will ever be asked to pay more than they are assessed as being able to afford. Contributions are based on the individuals income and expenditure.</p> <p>Specific disability related expenses can be taken account of in financial assessment.</p> <p>Individual circumstances can be taken into account and a decision made to reduce or waive contributions in exceptional circumstances where are welfare reasons for doing so.</p> <p>It was recognised during the consultation that to ask those who can afford to do so to pay the full economic cost of day service would represent a significant increase in contributions which could lead to reduced use of the service, impacting on the stability of care plans and increasing strain on carers. In addition the Council is reviewing the provision of day services to allow personalised approaches. This is like to change the model of provision and reduce the costs. For these reasons the proposal has been amended to suggest increasing costs over 2 years with the cost for</p>

		<p>2013/2014 to be £22 which is a 50% increase in the current maximum charge.</p> <p>Carers needs can be assessed at any time and services arranged directly for the carer. It is proposed that services which are directly provided to the carer should be free of charge.</p> <p>If the Council does not take forward the proposals to increase income, other service reductions which would impact on residents would require to be considered, such as the restriction of social care support to those with critical needs.</p>
<p>Disability</p>	<p>Social care users have critical or substantial need generally associated with their disability</p> <p>Some individuals may be required to contribute more.</p> <p>Consultation responses suggested that this could result in some individuals only accessing care when they are at crisis point leading to higher use of residential care. The proposals were therefore felt to be counter intuitive to the prevention and health and well being agenda of the Council.</p> <p>Consultation responses suggested that paying full cost of day services would result in individuals not accessing the services, destabilising care arrangements, reducing carer</p>	<p>No one will ever be asked to pay more than they are assessed as being able to afford. Contributions are based on the individuals income and expenditure.</p> <p>Specific disability related expenses can be taken account of in financial assessment.</p> <p>Individual circumstances can be taken into account and a decision made to reduce or waive contributions in exceptional circumstances where are welfare reasons for doing so.</p> <p>It was recognised during the consultation that to</p>

	<p>support and destabilising day service provision.</p> <p>Consultation responses highlighted that the proposals could result in family carers taking more responsibility in the longer term impacting on their own well being and leading to the collapse of family care arrangements.</p>	<p>ask those who can afford to do so to pay the full economic cost of day service would represent a significant increase in contributions which could lead to reduced use of the service, impacting on the stability of care plans and increasing strain on carers. In addition the Council is reviewing the provision of day services to allow personalised approaches. This is like to change the model of provision and reduce the costs. For these reasons the proposal has been amended to suggest increasing costs over 2 years with the cost for 2013/2014 to be £22 which is a 50% increase in the current maximum charge.</p> <p>Carers needs can be assessed at any time and services arranged directly for the carer. It is proposed that services which are directly provided to the carer should be free of charge.</p> <p>If the Council does not take forward the proposals to increase income, other service reductions which would impact on residents would require to be considered, such as the restriction of social care support to those with critical needs.</p>
Sex	More users of social care are	No one will ever be asked to pay more than they are

	<p>female.</p> <p>Some individuals may be required to contribute more.</p> <p>Consultation responses suggested that this could result in some individuals only accessing care when they are at crisis point leading to higher use of residential care. The proposals were therefore felt to be counter intuitive to the prevention and health and well being agenda of the Council.</p> <p>Consultation responses suggested that paying full cost of day services would result in individuals not accessing the services, destabilising care arrangements, reducing carer support and destabilising day service provision.</p> <p>Consultation responses highlighted that the proposals could result in family carers taking more responsibility in the longer term impacting on their own well being and leading to the collapse of family care arrangements.</p>	<p>assessed as being able to afford. Contributions are based on the individuals income and expenditure.</p> <p>Specific disability related expenses can be taken account of in financial assessment.</p> <p>Individual circumstances can be taken into account and a decision made to reduce or waive contributions in exceptional circumstances where are welfare reasons for doing so.</p> <p>It was recognised during the consultation that to ask those who can afford to do so to pay the full economic cost of day service would represent a significant increase in contributions which could lead to reduced use of the service, impacting on the stability of care plans and increasing strain on carers. In addition the Council is reviewing the provision of day services to allow personalised approaches. This is like to change the model of provision and reduce the costs. For these reasons the proposal has been amended to suggest increasing costs over 2 years with the cost for 2013/2014 to be £22 which is a 50% increase in the current maximum charge.</p> <p>Carers needs can be</p>
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		<p>assessed at any time and services arranged directly for the carer. It is proposed that services which are directly provided to the carer should be free of charge.</p> <p>If the Council does not take forward the proposals to increase income, other service reductions which would impact on residents would require to be considered, such as the restriction of social care support to those with critical needs.</p>
Race		
Religion or Belief		
Marriage and Civil Partnership		
Pregnancy and Maternity		
Gender Reassignment		
Community Safety		
Sexual Orientation		
Poverty	<p>Many users of social care services are on fixed incomes such as pensions and disability benefits.</p> <p>Some individuals may be required to contribute more.</p>	<p>No one will ever be asked to pay more than they are assessed as being able to afford. Contributions are based on the individual's income and expenditure.</p> <p>Specific disability related</p>

	<p>Consultation responses suggested that this could result in some individuals only accessing care when they are at crisis point leading to higher use of residential care. The proposals were therefore felt to be counter intuitive to the prevention and health and well being agenda of the Council.</p> <p>Consultation responses suggested that paying full cost of day services would result in individuals not accessing the services, destabilising care arrangements, reducing carer support and destabilising day service provision.</p> <p>Consultation responses highlighted that the proposals could result in family carers taking more responsibility in the longer term impacting on their own well being and leading to the collapse of family care arrangements.</p>	<p>expenses can be taken account of in financial assessment.</p> <p>Individual circumstances can be taken into account and a decision made to reduce or waive contributions in exceptional circumstances where are welfare reasons for doing so.</p> <p>It was recognised during the consultation that to ask those who can afford to do so to pay the full economic cost of day service would represent a significant increase in contributions which could lead to reduced use of the service, impacting on the stability of care plans and increasing strain on carers. In addition the Council is reviewing the provision of day services to allow personalised approaches. This is like to change the model of provision and reduce the costs. For these reasons the proposal has been amended to suggest increasing costs over 2 years with the cost for 2013/2014 to be £22 which is a 50% increase in the current maximum charge.</p> <p>Carers needs can be assessed at any time and services arranged directly for the carer. It is proposed that services which are directly provided to the carer</p>
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		<p>should be free of charge.</p> <p>If the Council does not take forward the proposals to increase income, other service reductions which would impact on residents would require to be considered, such as the restriction of social care support to those with critical needs.</p>
Staff		

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Department
for Education

Statutory Guidance for Local Authorities on the Delivery of Free Early Education for Three and Four Year Olds and Securing Sufficient Childcare

September 2012

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Introduction

This is statutory guidance from the Department for Education for English local authorities on their duties under sections 6, 7 and 11 of the Childcare Act 2006. **It is effective from 1 September 2012** and replaces the *Code of Practice for Local Authorities on Delivery of Free Early Years Provision for Three and Four Year Olds* (September 2010) and *Securing Sufficient Childcare – Statutory guidance for local authorities in carrying out their childcare sufficiency duties* (2010).

Section 6 places a duty on English local authorities to secure sufficient childcare for working parents.

Section 7 places a duty on English local authorities to secure free early years provision. Regulations made under section 7 set out the type and amount of free provision and the age of children to benefit. This guidance refers to 'early years provision' as 'early education' or the 'free entitlement to early education'.

Section 11 places a duty on English local authorities to assess childcare provision. Regulations made under section 11 set out how the assessment must be prepared and published.

Local authorities **must** have regard to this guidance when seeking to discharge their duties under sections 6, 7 and 11 of the Childcare Act 2006 and **should not** depart from it unless they have good reason to do so.

The guidance seeks to assist local authorities, providers and parents by making it clear:

- what **outcomes** different measures are seeking to achieve, which should guide local authorities in their interpretation of the guidance;
- what is a legal duty **required** by legislation; and,
- what local authorities **should** as a matter of course do to fulfil their statutory responsibilities and ensure effective delivery.

This guidance does not prescribe matters which are rightly for local determination; local authorities must work with providers to plan and manage local provision to meet the needs of families and children in their area. Local authorities should not intervene in providers' private business outside of the free entitlement. This document does not provide guidance on how providers operate their private businesses, including charges for provision over and above the free entitlement.

Future policy intentions

The two year old entitlement

The Government plans to introduce a new targeted entitlement for two year olds to access free early education. This is part of the Government's Fairness Premium, to drive up social mobility and improve life chances. The primary focus will be on disadvantaged children, who are currently less likely to access the benefits of early education.

The new entitlement will be implemented in two phases. In September 2013 (phase one), around 130,000 (20%) two year olds in England will be able to access free early education places. From 2014 (phase two), the entitlement will be extended to around 260,000 (40%) two year olds.

The Government consulted between November 2011 and February 2012 on proposed eligibility criteria for the **first** phase of the entitlement. The consultation also included a number of proposals which are common across both phases of the entitlement; including proposals on start-dates for the free places and on the quality and flexibility of provision.

The Government's intentions regarding the first phase of the entitlement are set out in the Government's response to the consultation which can be found [here](#). Two year olds who meet the Free School Meals criteria, or who are looked after by the local authority, will be eligible for the free places in the first phase. The Government intends to make secondary legislation on the two year old entitlement, subject to parliamentary approval. The legislation for the first phase is planned for Autumn 2012 – one year in advance of the entitlement coming into force, in order to give early clarity to local authorities, providers and parents. The Government intends to publish a revised version of the current guidance alongside the secondary legislation. This will cover the free entitlement for two, three and four year olds, and will contain sub-sections on the specific requirements relating to two year olds.

New eligibility criteria will be required for the extension of the entitlement to more children in the second phase, from 2014. The primary focus will remain on supporting economically disadvantaged families, and the Government will also consider whether additional groups of children, such as children with special educational needs or disabilities, should be included. The Government plans to consult on proposals for the new criteria in summer 2012. The secondary legislation and guidance will then be amended to incorporate the eligibility criteria for the second phase.

Assessing the sufficiency of childcare

The Department intends to introduce measures to repeal the requirement on local authorities to assess the sufficiency of childcare in their area (section 11 of the Childcare Act 2006) and the associated regulations at the earliest opportunity.

Part A: Free early education for three and four year olds

Section A1: The Free Entitlement

Outcome:

All eligible children are able to take up high quality early education regardless of their parents' ability to pay – benefiting their social, physical and mental development and helping to prepare them for school. Evidence shows that regular, good quality early education has lasting benefits for all children.

To secure delivery:

Local authorities **are required** by legislation to:

1.1 Make available sufficient **free** early education places offering 570 hours a year over no fewer than 38 weeks of the year for every eligible child in their area from the relevant date following their third birthday until they reach compulsory school age (the beginning of the term following their fifth birthday) and to ensure that every place is provided free of charge.

1.2 Ensure they meet their duties under the Equality Act 2010 when securing free early education places.

1.3 Local authorities must make a place available from the start of the term beginning on or following the dates set out below.

- Children born in the period 1st January to 31st March: **1st April** following the child's third birthday.
- Children born in the period 1st April to 31st August: **1st September** following the child's third birthday.
- Children born in the period 1st September to 31st December: **1st January** following the child's third birthday.

Local authorities **should**:

1.4 Ensure that providers who charge for any goods or services, for example meals, optional extras or additional hours of provision outside of the free entitlement, do not do so as a condition of children accessing their free entitlement.

1.5 Ensure that three and four year old children moving to England from another country can access a free early education place on the same basis as any other eligible child in the local authority area.

1.6 Deliver the free entitlement in a way that reflects the local market through providers across the maintained, private, independent and voluntary sectors.

1.7 Enable children to take up a free place at a provider who, for good reason, may not be able to open for 38 weeks a year or for 15 hours a week where this suits the parent's needs.

1.8 Promote equality and inclusion, particularly for disadvantaged families, looked-after children, children in need and children with disabilities or special educational

needs by removing barriers of access to free early education and working with parents to give each child support to fulfil their potential.

1.9 Encourage take up of the free entitlement and conduct outreach activities to identify children who are not taking up their full entitlement and support them to do so.

Section A2: Flexibility

Outcome:

Children are able to take up their full entitlement to free early education at times that best support their learning, and at times which fit with the needs of parents.

To secure flexible delivery:

Local authorities **should**:

2.1 Fund providers to deliver free early years provision for three and four year olds at times and in patterns that support parents to maximise the use of their child's entitlement.

2.2 Encourage providers to offer flexible packages of free early education, subject to the following standards on flexibility:

- No session longer than 10 hours;
- No session shorter than 2.5 hours;
- Not before 7.00am or after 7.00pm.

2.3 As a minimum ensure that parents are able to access their child's free early education place in the following patterns:

- 3 hours a day over 5 days of the week;
- 5 hours a day over 3 days of the week.

2.4 Act as a broker between overall parental demand in the area and provider capacity, seeking to provide the maximum possible flexibility where demand exists beyond the guaranteed models referred to in 2.3.

2.5 Support parents to identify providers who can offer a free place on the day and hours they need, noting that the free entitlement does not offer a guarantee of a place at any one provider.

2.6 Consider the impact on continuity of care for children when enabling children to access the free entitlement at more than one provider.

2.7 Enable parents to take up patterns of hours which "stretch" their child's entitlement by taking fewer free hours a week over more weeks of the year, where there is provider capacity and sufficient demand from parents.

2.8 Publish their local flexible offer and inform the local Family Information Service (FIS) what is available.

Section A3: Quality

Outcome:

All children are able to take up their entitlement to free early education in a high quality setting. Evidence shows that higher quality provision has greater developmental benefits for children particularly for the youngest children. The biggest single indicator of high quality provision is the qualification levels of staff in a setting.

To secure and improve quality:

Local authorities **are required** by legislation to:

- 3.1 Improve the well-being of young children in their area and reduce inequalities between young children in their area.
- 3.2 Deliver the free entitlement through early years providers who deliver the full Early Years Foundation Stage (EYFS) and are registered with Ofsted or are schools which are exempt from registration with Ofsted.
- 3.3 Provide information, advice and training to childcare providers.

Local authorities **should**:

- 3.4 Not refuse free entitlement funding to providers who have not yet been inspected by Ofsted¹, where the local authority is satisfied that the provision is of sufficient quality.
- 3.5 Not fund providers rated 'inadequate' Ofsted unless the local authority is satisfied that the setting is likely to improve significantly at re-inspection or within an agreed timescale.²
- 3.6 Secure alternative provision, as soon as is practicable, for children who are already receiving their free entitlement at a provider when it is rated 'inadequate' by Ofsted, and where the local authority is not satisfied that the setting is likely to improve at re-inspection or within an agreed timescale.
- 3.7 Only fund providers rated 'satisfactory' if they also can evidence a commitment to improving the quality of their provision by meeting at least one of the following additional eligibility criteria:
 - active participation in a quality improvement programme that the local authority considers appropriate;
 - active participation in a peer-to-peer support network (including childminding networks) that the local authority considers appropriate;
 - assessed as sufficiently high quality through a local authority quality assessment system;
 - a level of workforce qualifications that indicate higher quality provision (for example, all staff having or actively working towards a level 3 qualification, or having a graduate leader).

¹ Or an independent inspection body approved by the Secretary of State

² Ofsted has recently consulted on a proposal to replace its inspection rating 'inadequate' with 'requires significant improvement or enforcement' and 'satisfactory' with 'requires significant improvement'. If this change is made to the inspection judgements, the new equivalent judgements will apply.

3.8 Consider whether to require providers rated 'satisfactory' to meet more than one of the additional eligibility criteria in para 3.7, in order to raise the quality of provision in the area or if there is sufficient high quality provision already available.

3.9 Consider whether to require providers rated good to meet one or more of the above additional eligibility criteria in para 3.7 to promote further quality improvement in their area.

3.10 Fund providers rated 'good' or 'outstanding' by Ofsted to deliver free early education places for three and four year olds, unless the local authority has reason to believe that the quality of provision has deteriorated significantly since their last Ofsted inspection, or the provider has ceased to meet any eligibility criterion (as set out in para 3.9) that the local authority required it to meet.

3.11 Ensure that providers are aware of the quality criteria they have to meet in order to deliver free places to three and four year olds.

3.12 Withdraw funding as soon as is practicable from providers who are not demonstrating the sufficient quality improvement required to deliver the free entitlement.

Section A4: Funding the Free Entitlement

Outcome:

Fair and transparent funding that supports a diverse range of providers. This diversity enables parents to choose a provider that best meets the needs of their child.

To fund the free entitlement:

Local authorities **are required** by legislation to:

- 4.1 Fund early years provision for three and four year olds in all sectors using a locally-determined, transparent formula – the early years single funding formula (EYSFF).
- 4.2 Construct a formula composed of either a single base rate for all providers or a number of base rates differentiated by type of provider according to unavoidable cost differences. The formula must also include a deprivation supplement, and must be based on a count of children attending provision conducted at least three times a year.
- 4.3 Issue all providers with an indicative budget at the beginning of the financial year which broadly reflects anticipated participation. Local authorities must also adjust budgets to reflect actual levels of participation within the financial year, across all sectors.
- 4.4 Provide Free School Meals for children who are registered pupils of a maintained school, who attend free provision both before and after lunch and whose parents are in receipt of specified benefits.

Local authorities **should**:

- 4.5 Ensure that their EYSFF is clear, simple and transparent, and in particular that:
 - the number of base rates is kept to a minimum;
 - any supplements are understood by providers and help drive positive outcomes for children;
 - rates are based, as far as is practicable, on a clear understanding of provider costs in the area.
- 4.6 Strike a balance between having suitable processes to ensure value for money and minimising administrative burdens on providers.
- 4.7 Fund children of “free entitlement” age who have already been admitted to primary school and are attending a maintained school reception class separately through the main schools budget.
- 4.8 Make clear their local policy of funding free early education places for children who move providers during the term or start later in the term.
- 4.9 Consider and determine whether to fund providers / children with exemptions from the Early Years Foundation Stage Learning and Development requirements.
- 4.10 Ensure providers do not charge parents for any hours for which the provider already receives any funding from the local authority.

4.11 Ensure providers are not penalised for short term absences of children through withdrawing funding but use their discretion where absence is recurring or for extended periods taking into account the reason for the absence and the impact on the provider.

4.12 Ensure providers are aware of the local authority policy on reclaiming funding when a child is absent from a setting during free entitlement hours.

4.13 Consider and determine whether to fund the cost of lunch when a child who would qualify for Free School Meals in a maintained school takes up their free entitlement at a private, voluntary or independent provider.

Section A5: Delivery in Partnership

Outcome:

Local authorities and providers work effectively together to ensure children can access the free entitlement in a variety of settings that meet the needs of their family.

To secure delivery:

Local authorities **are required** by legislation to:

- 5.1 Work with relevant partners to secure integrated early childhood services.
- 5.2 Act in accordance with the School Admissions Code in enabling children to take up a place in a maintained reception class from the September following their fourth birthday.

Local authorities **should**:

- 5.3 Maintain a directory of providers eligible to deliver the free entitlement.
- 5.4 Maximise parental choice by admitting all eligible providers (see 3.2) who wish to deliver the free entitlement onto the directory if they meet the required quality standards and local conditions of funding.
- 5.5 Ensure providers are aware of the process for being admitted to the directory and the implications of withdrawing from delivering the free entitlement.
- 5.6 Have an appeals procedure for providers rejected for inclusion in, or facing removal, from the directory.
- 5.7 Publicise their complaints procedure so that providers know how to complain if necessary.

Part B: Securing Sufficient Childcare

Outcome:

Parents are able to work because childcare places are available, accessible and affordable and are delivered flexibly at a range of high quality settings.

To secure delivery

Local authorities **are required** by legislation to:

B.1 Secure sufficient childcare, so far as is reasonably practicable, for working parents, or parents who are studying or training for employment, for children aged 0-14 (or up to 18 for disabled children).

B.2 Assess the sufficiency of the childcare in their area at least every three years.³

Local authorities **should**:

B.3 Take into account, in assessing what sufficient childcare means in their area and what is “reasonably practicable” for them:

- the state of the local childcare market, including the level of demand for specific types of providers, in a particular locality and the amount and type of supply that currently exists;
- the state of the labour market;
- the quality and capacity of childcare providers including their funding, staff, premises, experience and expertise; and
- the local authority’s resources, capabilities, and overall budget priorities.

B.4 Report annually to elected council members on how they are meeting their duty to secure sufficient childcare and to make this report available and accessible to parents. Local authorities are responsible for determining the appropriate level of detail in their report, geographical division and the date of publication. However, the report should include:

- a specific reference to how they are ensuring there is sufficient childcare available to meet the needs of: disabled children, children from families in receipt of the childcare element of working tax credit or universal credit, children aged 2, 3 and 4 taking up free early education, school age children and children needing holiday care;
- information about the supply and demand of childcare for particular age ranges of children, and the affordability, accessibility and quality of provision;
- details about how any gaps in childcare provision will be addressed.

³ The Department intends to introduce measures to repeal the duty on local authorities to assess the sufficiency of childcare in their area at least every three years (section 11 of the Childcare Act 2006) at the earliest possible opportunity

Part C: Information to parents

Outcome:

Parents are provided with comprehensive information about their child's entitlement to free early education and childcare options in their area so that all children are able to benefit from provision which meets their needs.

Local authorities **are required** by legislation to:

C.1 Provide information, advice and assistance to parents (of children and young people up to the age of 20) and prospective parents on the provision of childcare in their area.

Local authorities **should**:

C.2 Ensure that parents are aware of:

- the entitlement to free early education for three and four year olds;
- their right to continue to take up their free 15 hour early education place at another provider until their child reaches compulsory school age if they choose not to take up a place in a state-funded school reception class in the September following their child's fourth birthday;
- childcare options available to them including childcare settings suitable for children with disabilities and special educational needs;
- how to identify high quality provision in their area.

C.3 Ensure that parents can clearly see, from the information they receive from their provider, that they have received their child's full 15 hour entitlement completely free.

C.4 Make parents aware of the quality criteria providers delivering free early education places for three and four year olds have to meet in order to deliver free places and how each provider has met those criteria.

C.5 Have a complaints procedure for parents who are not satisfied that their child has received their free place or with any aspect of the way in which they have received it and publicise this to parents.

PART D: Legal annex and other relevant information

Summary of the key provisions in the Childcare Act 2006 relating to the entitlement to free early years provision

- Sections 1-5 require local authorities and their partners to improve the outcomes of all children under 5 and reduce inequalities.
- **Sections 6 and 11 require local authorities to assess the local childcare market and to secure sufficient childcare.**
- **Section 7 places a duty on local authorities to secure free early years provision for eligible young children in their area.**
- Section 8 enables local authorities to assist others to provide childcare (including giving them financial assistance) but says that local authorities should only provide childcare themselves if not other provider is able or willing to.
- Section 9 gives local authorities the power to place conditions of funding on providers of childcare.
- Section 12 places a duty on local authorities to provide information to parents about childcare in the area.
- Section 13 places a duty on local authorities to secure the provision of information, advice and training to childcare providers and childcare workers.
- Sections 39-48 establish the Early Years Foundation Stage (EYFS)
- Sections 31-38 and 49-98 reform and simplify the childcare and early years regulation framework.
- Section 99 allows for the collection of information about young children.

Local authorities should have regard to any statutory guidance issued under the Childcare Act 2006

Section 7 – Duty to secure prescribed early years provision free of charge

- From 1st September 2008, s7 of the Childcare Act 2006 placed a **legal duty** on local authorities in England to **secure free early years provision** for each young child in their area who has attained such age as may be prescribed but is under compulsory school age.
- Under s7 (2) of the Childcare Act local authorities must have regard to statutory guidance issued by the Secretary of State when fulfilling their duty under s7.

Regulations made under section 7

Local Authority (Duty to Secure Early Years Provision Free of Charge) Regulations 2008 (S.I. 2008/1724) amended by the Local Authority (Duty to Secure Early Years Provision Free of Charge) (Amendment Regulations 2010 (S.I. 2010/301) are made under s7 (1) of the Childcare Act 2006. These regulations prescribe the **type** and **amount** of free provision and the **age of children to benefit** from free

provision. These Regulations came into force on 1st September 2008 and the amendments came into force on 1st September 2010.

Type of free provision

- Local authorities **must** secure that the prescribed amount of free early years provision is available for each eligible child in their area from providers who are under a duty to deliver the Early Years Foundation Stage (the EYFS - established under s.39 of the Childcare Act).
- That is: Providers who are either a) registered on the Ofsted Early Years Register (under s.40 of the Childcare Act 2006) or b) schools which are exempt from registration on the Ofsted Early Years Register (under section 34(2) of the Childcare Act 2006) that is, certain maintained schools, approved non-maintained special schools or independent schools; **and not from** providers that are exempted from delivering the EYFS learning and development requirements under s.46 (1) or (2) of the Childcare Act.
- Local authorities **must** ensure that all parents have the option to take up their child's free early education place at a provider who delivers the full EYFS learning and development requirements.
- The regulations **do not legally require** local authorities to fund providers who have an exemption from the EYFS or to fund a child who has been exempted from the EYFS. Local authorities have discretion whether to fund such provision and the amount of such provision that they wish to fund.

Age of children to benefit from free provision

- Children become eligible for the free entitlement from the beginning of the next school term on or following the date set out below:
 - Children born in the period 1st January to 31st March: **1st April** following the child's third birthday
 - Children born in the period 1st April to 31st August: **1st September** following the child's third birthday
 - Children born in the period 1st September to 31st December: **1st January** following the child's third birthday
- These dates are consistent with those used for determining the commencement of compulsory education and ensure that every child is able to access at least six terms of early education and / or reception before they reach statutory school age.
- Although they are **not required** to do so, local authorities are not prevented from making available free provision to a child before the child becomes eligible (i.e. before the start of the next school term after the child's third birthday).

Increase to amount of free provision:

- Local authorities **must** secure availability of at least 570 hours of free provision (this works out at 15 hours per week if spread over 38 weeks) for all eligible children in their area over **at least** 38 weeks, in each 12 month period from the date a child becomes eligible until the child reaches compulsory school age.

- Local authorities **must not** condense the free entitlement into less than 38 weeks. However, nothing in the legislation prevents local authorities from “stretching” the provision offering fewer hours over more than 38 weeks when parents want that and the local authority has the capacity to deliver the entitlement in this way.
- Under the current legislation parents do not have the right to demand a particular pattern of provision.

Special Educational Needs

- Local authorities should ensure that all providers in the maintained and private, voluntary and independent sectors that they fund to deliver free early education places are aware of the requirement on them to have regard to the Special Educational Needs Code of Practice and to have a written Special Educational Needs policy.

Early Years Single Funding Formula

The School Finance (England) Regulations 2012 (S.I. 2012/335) set out how local authorities must operate their Early Years Single Funding Formula (EYSFF). The Regulations require that:

- a local authority must consult their schools forum about and decide upon an EYSFF for the financial year 2012-2013, which they must use in that year.
- in operating their EYSFF local authorities:
 - must provide budgets for providers using the most recently available data;
 - must review the budgets during or after the year using either attendance data collected during three sample weeks (census week for example) or total actual hours of attendance;
 - must redetermine the provider’s budget as appropriate;
 - must notify providers within 28 days of redetermining the budget;
 - must implement the redetermination when they consider it appropriate – which may be different for different providers;
 - must not use a factor within the formula which take into account the number of places, except where places have been specifically reserved by the authority for pupils with SEN or for children in need (following the 1989 Children Act definition) with a provider;
 - may provide differential funding to types of providers to reflect unavoidable costs;
 - must use a factor within the formula which takes into account the incidence of deprivation (a deprivation supplement); and
 - may use factors within the formula which take into account:
 - the need to improve the quality of provision by particular provider or types of provider;
 - the degree of flexibility in hours of attendance the provider makes available; and

- the need to secure or sustain a sufficiency of provision within an area.

Compulsory School Age

- Compulsory School Age is defined at Section 8 of the Education Act 1996 together with the Education (Start of Compulsory School Age) Order 1998 (SI 1998: 1607).
- A child reaches compulsory school age either on or after their 5th birthday, on whichever of the following dates is either on, or the first to follow, their birthday: 31st August, 31st December or 31st March.

Equality

- The Equality Act 2010 outlaws discrimination, harassment and victimisation and covers statutory and non-statutory early years organisations and provision. It applies to a range of protected characteristics including sex, race, disability, religion or belief and sexual orientation.
- Local authorities and other listed public authorities (which include schools) must also comply with the provisions of s149 of the Equality Act, and the Equality Act 2010 (Specific Duties) Regulations 2011, in meeting their statutory responsibilities.
- While private, voluntary and independent settings are not bound by this public sector equality duty which applies to public authorities, the principles of equity and justice underpinning the law should be applied as good practice. Where provision is overseen, coordinated or advised by the local authority or a partnership with local authority membership, the local authority will have responsibility to ensure the duties are fulfilled.

School Admissions

- Local authorities must have regard to the School Admissions Code which came into force on 1 February 2012 and applies to admissions from September 2013 in all maintained schools in England.

Admission of children below compulsory school age and deferred entry to school

- Admission authorities **must** provide for the admission of all children in the September following their fourth birthday. The authority **must** make it clear in their arrangements that:
 - parents can request that the date their child is admitted to school is deferred until later in the year or until the term in which the child reaches compulsory school age, and
 - parents can request that their child takes up the place part-time until the child

reaches compulsory school age.

Free School Meals

- Entitlement to free school meals (FSM) only applies to eligible children in maintained schools, academies and free schools. It does not apply to children in the private, voluntary or independent sector.
- In order to qualify for FSM:
 - a child must be a registered pupil of a maintained school, academy or free school;
 - a child must be receiving education before and after the lunch break (if the child is receiving part-time nursery education); and
 - under **current criteria**** the child's parent must be in receipt of any one or more of the following support payments: income support (IS); income-based jobseeker's allowance (IBJSA); income-related employment and support allowance; support under Part 6 of the Immigration and Asylum Act 1999; or the guarantee element of State Pension Credit; or be entitled to Child Tax Credit but not to Working Tax Credit and have an annual income not exceeding £16,190 (as of 6 April 2012), as assessed by Her Majesty's Revenue and Customs. A child whose parent is entitled to the Working Tax Credit four-week run-on (the payment someone receives for a further four weeks after they stop qualifying for Working Tax Credit) is also entitled to FSM.
 - a child who is in receipt of a qualifying benefit in their own right is also entitled to FSM.

** On 8 March 2012 the Welfare Reform Act 2012 received Royal Assent. The Act introduces Universal Credit, which will replace current benefits with a single payment. The plan is to introduce Universal Credit from 2013, with a phased introduction over several years. It is intended to be a simpler approach and a fairer way of determining entitlement, but it will mean that the current criteria for entitlement to free school meals will eventually be replaced by new criteria.



Department
for Education

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Equality Impact Assessment

Name or Brief Description of Proposal	Proposal to create three all through primary schools from existing infant and junior schools.
Brief Service Profile	Children’s Services and Learning: Responsible for ensuring that sufficient education is available to meet the needs of the population in the area.
Summary of Impact and Issues	The proposals are to create three primary schools from three pairings of existing co-located, infant & junior schools. This transition involves one of the schools discontinuing and the other expanding its age range. The substantial changes would be that the governing body of the closing school would be disbanded and the expanding school will change its name to a primary.
Potential Positive Impacts	<p>All through primary schools.</p> <ul style="list-style-type: none"> • Are in a stronger position to plan for continuity and progression through the key stages of learning, Early Years, Key Stage 1 and 2. • Provide longer timescale for schools to work closely with families, year R to year 6, seven years to progress successfully children’s education progress. • Provide opportunities for pupils to work and play together over a longer period of time and develop greater understanding of diverse strengths, skills and personalities, which help them in later life. • Offer consistent approaches to inclusion, absences etc. • Increased opportunities for social development with older pupils having some appropriate pastoral responsibilities for younger children • Provide staff with greater opportunities to gain a broader and deeper understanding of the learning continuum for children from 4 to 11 years. • Build capacity in issues of staffing and can better plan for succession. • A single, larger budget offers the opportunity to deliver quality more efficiently, through greater economies of scale. • Reduced spend on leadership and governance arrangements. • Increases spend on front line teacher, as a percentage of the whole school budget. • There is a direct benefit to parents in the admission process. Parents have to apply to secure a place in an infant school, at year R and a junior school, at year 3. Only one application is required for primary school – for admission to year R.

Responsible Service Manager	James Howells School Organisation and Strategy Manager
Date	10/01/2013

Approved by Senior Manager	Alison Alexander Deputy director of Children's Services & Learning
Signature	
Date	10/01/2013

Potential Negative Impacts

Impact Assessment	Details of Impact	Possible Solutions
Age	N/A	
Disability	N/A	
Gender Reassignment	N/A	
Marriage and Civil Partnership	N/A	
Pregnancy and Maternity	N/A	
Race	N/A	
Religion or Belief	N/A	
Sex	N/A	
Sexual Orientation	N/A	
Community Safety	N/A	
Poverty	N/A	
Other Significant Impacts	The governing body of the closing school will be disbanded.	LA would encourage the remaining governing body to incorporate members of the closing schools governing body into the governing body of the primary school.

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