

**BIRMINGHAM CITY COUNCIL**

**PUBLIC REPORT**

<b>Report to:</b>	<b>CABINET</b>
<b>Report of:</b>	<b>Strategic Director for People</b>
<b>Date of Decision:</b>	<b>24<sup>th</sup> January 2017</b>
<b>SUBJECT:</b>	<b>OUTCOME OF A 2015/16 SAVINGS PROPOSAL - ASSESSMENT AND SUPPORT PLANNING – USE OF THE BETTER CARE FUND</b>
<b>Key Decision: Yes</b>	<b>Relevant Forward Plan Ref: 02821/2016</b>
<b>If not in the Forward Plan: (please "X" box)</b>	<b>Chief Executive approved <input type="checkbox"/></b> <b>O&amp;S Chairman approved <input type="checkbox"/></b>
<b>Relevant Cabinet Member</b>	<b>Cllr Paulette Hamilton - Health and Social Care</b>
<b>Relevant O&amp;S Chairman:</b>	<b>Cllr John Cotton - Health, Wellbeing and the Environment</b>
<b>Wards affected:</b>	<b>ALL</b>

<b>1. Purpose of report:</b>
1.1 To outline feedback on the re-consultation of a 2015/16 savings proposal: “Assessment & Support Planning and use of the Better Care Fund”, following the outcome of Judicial Review proceedings.

<b>2. Decision(s) recommended:</b>
That the Cabinet:-
2.1 Notes the reasons why the 2015/16 saving proposal has been the subject of further consultation and further notes the consultation responses; and
2.2 Approves the recommendation as set out in paragraph 5.4

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### **3. Consultation**

#### 3.1 Internal

Legal & Democratic Services, City Finance and the Directorate for People Management Team have been involved in the preparation of this report.

#### 3.2 External

See paragraph 5.1 below.

### **4. Compliance Issues:**

#### 4.1 Are the recommended decisions consistent with the Council's policies, plans and strategies?

This report supports the achievement of Outcome five: A healthy, happy city, as detailed in the Council's Business Plan & Budget 2016+, as approved by Council on 1<sup>st</sup> March 2016.

#### 4.2 Financial Implications

The proposal was to maintain levels of funding within Assessment and Support Planning for two financial years 15/16 and 16/17, by using anticipated savings from the Government's Better Care Fund Programme along with some money previously set aside by the NHS. The Better Care Fund national performance framework for the reduction in Non Elective admissions to Acute Hospitals was subsequently not achieved due to increasing demand nationally and was withdrawn by NHS England. This has resulted in increased financial pressure for the City, both in levels of demand and reductions in anticipated income from the Better Care Fund.

#### 4.3 Legal Implications

Under the Care Act 2014 together with associated legislation and guidance, the local authority has a duty to assess where there appears to be a need for care and support. Following a needs assessment the local authority has a duty to meet assessed eligible need for care and support. This includes carers who also meet the national eligibility criteria.

To comply with the consent Order dated the 3 November 2015 the outcome of the fresh consultation on the proposal ASC1 has to be considered by Cabinet and a fresh decision made.

#### 4.4 Public Sector Equality Duty

The Equality Analysis undertaken to support the decisions of Council and Cabinet in March 2015, did not identify any adverse impacts for this proposal.

## 5. Relevant background/chronology of key events:

5.1 In December 2014, the City Council published a White Paper “Budget consultation 2015+”, which detailed the Council’s medium-term budget position and outlined its savings proposals 2015/16 – 2017/18. The Directorate for People had put forward 10 proposals. Proposal 1 was “Assessment & Support Planning and use of the Better Care Fund.” A Judicial Review of the Cabinet decision of 16th March 2015 (key decision 534584 refers which confirmed the budget allocation for the Directorate for People) arose because the factsheets made available at consultation events and the Directorate consultation document were not entirely consistent in respect of this proposal. The judicial review proceedings were settled by way of a consent Order dated 3 November 2015 in which the Local Authority agreed to undertake a fresh consultation on item ASC1 on its 2015 -16 budget and to take fresh decision on ASC1 taking into account responses to that consultation.

In August 2016 letters were sent to service users and their carers asking them to give their views again, pointing out the original inconsistency in the original 15/16 consultation. That letter, however, also went on to give some additional context regarding the “new laws” that had been anticipated in December 2014, stating that the planned change to introduce a cap on care costs had been postponed. A subsequent objection was received regarding the inclusion of this ‘clarification’. In an effort to minimize costs a revised letter was posted on BeHeard removing the additional context and the consultation period was extended from 1st September to 3rd October 2016.

Proposal 1 of the Directorate for People’s 2015/16 – 2017/18 budget consultation was “Assessment & Support Planning and use of the Better Care Fund.” An extract is provided below:

### Proposed changes

We are not proposing to change the amount spent on assessment and support planning. The joint working resulting from the Government’s Better Care Fund Programme is anticipated to provide some savings. These savings combined with some money previously set aside by the NHS to support adult social care will enable us to keep this budget at its current level for the next two years.

Total Spend 14/15	Net Cost 14/15	Saving in 15/16	Saving in 16/17	Saving in 17/18
<b>£35.813m</b>	<b>£34.562m</b>	£5.900m	£8.400m	£0.000m

5.2 To support the Corporate consultation each proposal was explained in a factsheet. For the Directorate consultation, a separate document was produced. The Judicial Review arose because the factsheets made available at consultation events and the Directorate consultation document were not entirely consistent. The text omitted from the Directorate consultation document was:

**What would this mean?**

The service will need to make some changes, even though we are not proposing to change the total amount spent on it. This is because the workload of the service, the number of assessment it needs to undertake, will increase in the next few years; due to the growing population and new laws.

As a result we plan to make the 'customer journey' more efficient, cost effective and professional. This will lead to a better service for Birmingham citizens but will result in changes for staff.

**We will try to reduce the impact by:**

Two-way communication with staff about the future operating model is already taking place and will continue.

5.3 The extended consultation received 17 responses via BeHeard – all of the 17 were received before the original closing date. The response was that 82% supported the proposal to use money saved through joint working to maintain current levels of spend in assessment and support planning.

In the original Directorate consultation, which was reported to Cabinet on 16<sup>th</sup> March 2015, 62% of the 50 respondents to BeHeard were in agreement with the proposal.

5.4 Cabinet is now asked to consider the responses to this fresh consultation and recommends the decision of Cabinet of 16 March 2015 which includes proposal ASC1 should stand in the light of these responses

5.5 A small number of telephone, letter and e-mail responses were also received during the re-consultation. Cabinet Members are advised to read these responses prior to the Cabinet meeting.

**6. Evaluation of alternative option(s):**

6.1 There are no alternative options. The proposal under question was for 2 years 15/16 and 16/17 and it has subsequently been found that it could not be achieved as originally planned, due to changes in the Better Care Fund national performance framework. This has meant that the Directorate's budget has had to be supported from the City Council's revenue reserves.

**7. Reasons for Decision(s):**

7.1 To ensure compliance with the consent Order made in Judicial Review proceedings dated 3 November 2015, the outcome of this consultation and the recommendations of the Cabinet Report of 16<sup>th</sup> March 2015 now need to be approved by Cabinet.

<b>Signatures</b>	<b><u>Date</u></b>
Councillor Paulette Hamilton Cabinet Member for Health and Social Care .....	.....
Peter Hay Strategic Director for People .....	.....

<b>List of Background Documents used to compile this Report:</b>	
1.	Cabinet report of 16 <sup>th</sup> March 2015 – “Directorate for People – 2015/16+ budget consultation feedback” (Forward Plan Reference No. 534584)
2	Be Heard consultation responses and associated correspondence

<b>List of Appendices accompanying this Report (if any):</b>

<b>Report Version</b>	<b>V6</b>	<b>Dated</b>	<b>13/01/2017</b>
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