

# Public Document Pack



## Executive Board Sub Committee

Thursday, 1 April 2010 10.00 a.m.  
Marketing Suite, Municipal Building

A handwritten signature in black ink, appearing to read 'David W R'.

**Chief Executive**

### **ITEMS TO BE DEALT WITH IN THE PRESENCE OF THE PRESS AND PUBLIC**

#### **PART 1**

<b>Item</b>	<b>Page No</b>
<b>1. MINUTES</b>	
<b>2. DECLARATION OF INTEREST</b>	
Members are reminded of their responsibility to declare any personal or personal and prejudicial interest which they have in any item of business on the agenda no later than when that item is reached and, with personal and prejudicial interests (subject to certain exceptions in the Code of Conduct for Members), to leave the meeting prior to discussion and voting on the item.	
<b>3. HEALTH AND SOCIAL CARE PORTFOLIO</b>	

*Please contact Gill Ferguson on 0151 471 7395 or e-mail [gill.ferguson@halton.gov.uk](mailto:gill.ferguson@halton.gov.uk) for further information.  
The next meeting of the Committee is on Thursday, 27 May 2010*

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*In accordance with the Health and Safety at Work Act the Council is required to notify those attending meetings of the fire evacuation procedures. A copy has previously been circulated to Members and instructions are located in all rooms within the Civic block.*

**REPORT TO:** Executive Board Sub Committee

**DATE:** 1<sup>st</sup> April 2010

**REPORTING OFFICER:** Strategic Director – Adult & Community

**SUBJECT:** Preliminary Estimates Report on a Framework for the Provision of Personal Care and Housing Related Support for Adults with a Learning Disability or Mental Health Needs

**WARDS:** ALL

## **1.0 PURPOSE OF REPORT**

1.1 To inform Members of the detail of proposals to establish a framework contract for the provision of personal care and housing related support for adults with a learning disability or mental health needs. The Framework will enable a greater dialogue between commissioners and providers about how best to develop the right services for individuals, prior to purchasing social care and support for individuals or groups of individuals.

## **2.0 RECOMMENDATIONS:**

- (i) Members approve the report and give the Strategic Director of Adult and Community permission to undertake a tender exercise inviting providers of housing and personal care services for adults with learning disabilities or mental health needs to apply for inclusion on a framework agreement**
- (ii) Members agree to accept a further report following completion of the Framework tender to update them on the outcome of the tender and outline the programme for re-tendering current services.**

## **3.0 SUPPORTING INFORMATION**

3.1 Following on from the Department of Health's White Paper and the Local Authority Circular "*Transforming Social Care*", with its emphasis on establishing personal budgets and the move towards choice and control being held by service users, the Adult and Community Directorate has been looking at best practice models in the provision of Supported Living Services for adults with learning disabilities and those with mental health needs. After extensive research it has become clear that very few local authorities have found a satisfactory service model to resolve the issues generated by the need to reconcile the move to more personalised services with the current methods of contracting.

3.2 Consequently after much discussion it was agreed that the best model would be to move away from the current arrangement of contracts with individual service providers for specific schemes. It is therefore proposed that a

Framework is developed – which will enable the authority to buy services in a more flexible manner from a group of providers in line with the needs and wishes of service users or groups of service users.

- 3.3 The framework agreement, which will be for housing and/or personal care, will incorporate both existing and potential business commissioned either solely or jointly from the Adult and Community Directorate, Supporting People, Primary Care Trust and other agencies. As a condition of their acceptance on the framework, providers must agree that individual service users with a Personal Budget may also, should they wish to, utilise the framework to commission their services via referral to the Adult and Community Directorate. Services commissioned via this route will be subject to the same terms and conditions of agreement – thus protecting individuals from being charged higher fees as “private” clients.
- 3.4 Once the framework is in place the Directorate can then call-off individual services after consultation with the residents of the affected schemes. We will be working to produce a timetable to re-tender existing services and suitable providers will be invited to submit a tender which will be evaluated in conjunction with the service users before a decision is made as to who will be awarded the support contract for that scheme. This will give individuals and groups much more control over how their support is delivered and by whom.
- 3.5 The proposal is that the framework agreement will initially be let for 2 years with the option to extend for a further 3 years; although the length of individual contracts may vary depending on the needs and wishes of service users. This is preferred because the personalisation agenda is developing rapidly and there may be significant changes affecting commissioning and contracting decisions over the next couple of years that will require the Authority to retain flexibility in order to respond to new assumptions about how support services are commissioned and delivered.

#### **4.0 POLICY IMPLICATIONS**

- 4.1 The Government document Valuing People Now – a three-year strategy for people with learning disabilities (2009) - reaffirms the four guiding principles set out in Valuing People (2001) that people with learning disabilities: have the same human rights as anyone else, independent living, control of decisions made about their lives, and inclusion in all aspects of community. These rights are already embedded within contracted services for community support.
- 4.2 New Horizons: A Shared Vision for Mental Health (2009) sets out a cross government programme of action to improve the mental health and well being of the population and the quality and accessibility of services for people with poor mental health. The report builds on the National Service Framework for Mental Health and emphasises the role of personalised services and the involvement and empowerment of service users.
- 4.3 Over the next 5 years, personalisation will substantially affect the way in which people receive services. National indicator 130 has a target requiring 30% of

people in receipt of community care to be purchasing them using an individual budget or direct payment by 1<sup>ST</sup> April 2011. Thus the Council must ensure it has flexible contracting arrangements in place to manage this.

4.4 **Social Inclusion:** These services offer a range of care and support to vulnerable people in the Borough and by promoting social inclusion have a positive impact on a person's self-worth and mental health.

4.5 **Sustainability:** The provision of effective support enables people to remain in their homes thus contributing to sustainable local communities.

## 5.0 FINANCIAL IMPLICATIONS

5.1 The services affected by this tender will be existing services; although the framework will be available to commission new business if necessary. Therefore the estimated cost is based on current expenditure and does not include any additional monies.

5.2 The proposed framework will cover those elements currently supported through Adult Social Care and Supporting People and therefore the full cost of the tender (assuming it is in place for the full 5 year period) is **estimated** to be **£16,990,574**.

## 6.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

### 6.1 Children & Young People in Halton

None

### 6.2 Employment, Learning & Skills in Halton

There is an expectation that providers should support joint working to create individual paths to employment in line with the goals of *Valuing Employment Now* by encouraging service users to think about work, get the advice they need and to move closer to the labour market.

### 6.3 A Healthy Halton

The provision of high quality effective community support enables individuals to remain in their own home and to maintain and improve their health outcomes

### 6.4 A Safer Halton

None

### 6.5 Halton's Urban Renewal

None

## 7.0 RISK ANALYSIS

7.1 **Financial Risk:** The tender process will be conducted in line with value for

money principles and be compliant with market testing. Tenderers will be given an indicative price against which to submit their pricing schedule and this will be agreed in consultation with Finance Managers. The recommendations made to Members in respect of the award of the contract will be in line with the MEAT principle (Most Economically Advantageous Tender).

- 7.2 **Contractual Risk:** The terms of the contract against which the tender is being conducted have been checked and agreed by the Legal Services Department and are designed to protect the Council's interests. At this stage we are inviting providers to join a list through which they may or may not be successful in obtaining contracts; the framework does not offer any provider a guarantee of work

## 8.0 **EQUALITY AND DIVERSITY ISSUES**

- 8.1 The provision of community based housing and personal care is a council service that is delivered to some of the most vulnerable and socially excluded members of the community and the development of this framework agreement will enable the Authority to meet its duties to promote inclusion and fair access to services for all local residents.

## 9.0 **LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972**

- 9.1 None

**REPORT TO:** Executive Board Sub Committee

**DATE:** 1<sup>st</sup> April 2010

**REPORTING OFFICER:** Strategic Director – Health & Community

**SUBJECT:** Review of the Fairer Charging for Non-Residential Services Policy 2010-11

**WARD(S)** Borough-wide

1.0 **PURPOSE OF THE REPORT**

1.1 To present to the Executive Board Sub Committee the revised Fairer Charging for Non-Residential Services Policy for 2010-11.

2.0 **RECOMMENDATION:**

**That the Executive Board Sub Committee:**

1. note the contents of the report;
2. approve the charges set out in paragraph 3.2 of the report; and
3. approve the Fairer Charging for Non-Residential Services Policy 2010-11.

3.0 **SUPPORTING INFORMATION**

3.1 Background

The Fairer Charging Policies for Home Care and other non-residential Social Services guidance issued in September 2003 was designed for an era of traditional local authority social care provision where people received services arranged by a local authority. The Department of Health published the 'Fairer Contributions Guidance – Calculating an Individual's Contribution to their Personal Budget' in July 2009 updating the original guidance to take account of the Transformation agenda currently taking place in social care.

Halton Borough Council's original Fairer Charging for Non-Residential Services Policy was updated and presented in September 2009 to take into account the changes needed for Personal Budgets.

The Fairer Charging Review Panel was set up in September 2008 to look at how we charge for non-residential services and it

recommended a number of changes. These were put forward as part of the 2009-10 budget process and adopted by Full Council at its meeting on 3 March 2010. These changes will increase income over a three-year period to bring Halton Borough Council's charges more in line with neighbouring authorities.

3.2 Major amendments

There are two major amendments to the policy. The first is the weekly disregard figure, currently set at Income Support plus Severe Disability Premium (SDP) for all service users, irrespective of whether they receive SDP or not. We are proposing to change the weekly disregard figure to Income Support plus 25%, in line with Department of Health Guidance.

The second amendment is to the percentage charge applied to the service user's disposable income. The term disposable income is the service user's total income less all applicable disregarded amounts. It is what the service user is deemed to have available for charges to be set against. Currently, Halton Borough Council's charge is set at 34% of this disposable income. From 26<sup>th</sup> April 2010 it is proposed to increase this to 50% and for further increases to 60% and 70% in April 2011 and April 2012.

4.0 **POLICY IMPLICATIONS**

4.1 None identified.

5.0 **FINANCIAL IMPLICATIONS**

5.1 It is expected that the revised Fairer Charging Policy will increase income from service users by £222,000 during 2010-11 and a further £130,000 in both 2011-12 and 2012-13.

6.0 **IMPLICATIONS FOR THE COUNCIL'S PRIORITIES**

6.1 **Children & Young People in Halton**

None identified.

6.2 **Employment, Learning & Skills in Halton**

None identified.

6.3 **A Healthy Halton**

The provision of care services that meet people's needs improves their health and wellbeing.

6.4 **A Safer Halton**



The provision of care services that meet people's needs increases their safety and mitigates risks.

6.5 **Halton's Urban Renewal**

None identified.

7.0 **RISK ANALYSIS**

7.1 The Local Government Act 2003 includes a general power for best value to charge for discretionary services i.e. those services that the authority has the power, but is not obliged, to provide. Guidance is issued under the power in section 93, which states charges are limited to cost recovery. The Department of Health's fairer Charging Policies for Home care and other Non-Residential Social Services Guidance, Sept 2003, states that where Councils charge for non-residential services, flat rate charges are acceptable.

7.2 Failure to achieve income targets places the Council under financial risk.

8.0 **LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972**

None under the meaning of the Act.





# Fairer Charging for Non-Residential Services

April 2010

[www.halton.gov.uk](http://www.halton.gov.uk)

## 1.1 Introduction

Halton Borough Council receives funding from Central Government to provide a range of services for vulnerable adults, but is reliant on income from charges for those services to help pay for them. Without this income, service levels could not be maintained.

The Department of Health issued statutory guidance to Councils in 2001 which required all Councils to develop and implement a Fairer Charging Policy, setting out how it would assess and charge service users for non-residential services.

Residential services, including the provision of respite services are dealt with under the Charging for Residential Accommodation Guide and are therefore not covered by this policy.

Halton Borough Council has reviewed the way it assesses charges for non-residential community care services. The Department of Health publication 'Fairer Contributions Guidance – Calculating an Individual's Contribution to their Personal Budget' was issued in July 2009 to support Councils with Social Services Responsibilities in adapting their Fairer Charging Policy to take into account Personal Budgets.

A Personal Budget is an upfront allocation of social care resources to a person who is eligible for support. A service user may choose to ask the Council to arrange all the care and support they need, they may choose to receive the whole amount of the personal budget paid to them as a Direct Payment so they can organise their care and support themselves, they may choose to have their personal budget paid to a third party, or they may choose to have a mix of the options available.

This policy has been devised using guidance from the following legislation and publications:

- Fairer Charging Policies for Home Care and other non-residential Social Services (September 2003)
- The Health and Social Services and Social Security Adjudications Act 1983
- Local Authority Circular (2001) 1 Intermediate Care
- Fairer Contributions Guidance - Calculating an Individual's Contribution to their Personal Budget (July 2009)
- Charging for Residential Accommodation Guide in support of the National Assistance (Assessment of Resources) Regulations 1992 (S.I.1992/2977) (April 2009)

## 1.2 Aim of the Policy

To ensure that charges for non-residential community care services are calculated in an open and transparent manner and that all service users are treated fairly and consistently. Halton Borough Council needs to collect and maintain reasonable levels of income to maintain our services to people who need them most. It should be noted that 'service' covers traditional services commissioned by the Council and direct payments made to either the service user or third party.

There are several basic principles that Halton Borough Council promotes:

- That service users will be asked to make a financial contribution towards the cost of their care package based on a financial assessment.
- That service users will be offered assistance in the completion of the financial assessment.
- That new service users will automatically be offered a welfare benefits check to ensure they are receiving all the income they are entitled to. This service is also available on request.
- That service users will only be asked to pay what they can reasonably afford.
- That service users will keep at least the basic level of Income Support or Pension Guarantee Credit, plus 25% after any charge for service is made.
- That additional costs due to a service users' disability will be considered before the level of charge is set.
- That service users will have the option to not divulge financial information on the understanding that they will consequently be charged full cost for the services they receive.
- That service users can request a review of their financial assessment up to four times per year. Further requests for review of their financial assessment will be at the discretion of the Council. Service users can access the Council's appeals or complaints processes if they believe they are being treated unfairly.
- Information collected by Halton Borough Council for the purpose of financial assessment can only be seen by authorised staff. This information will only be shared with other relevant people and agencies in accordance with the Data Protection Act 1998 or with the written consent of the service user or their legally appointed representative.

## **1.3 Exemptions from Charges**

The Council does not charge the following groups of service users for community care services that they receive:

- People that access services provided under Section 117 of the Mental Health Act 1983 that are not provided as part of the Supporting People Programme.
- People who have any form of Creutzfeldt Jacob Disease.
- Service users who access Intermediate Care Services to help them live in their own homes either on discharge from hospital or to prevent hospitalisation for a period of no more than six weeks. The actual duration of Intermediate Care Services will be at the discretion of the Care Manager.

## **1.4 Non-residential Community Care Service Charges**

Services provided free of charge:

Halton Borough Council provides Community Equipment free of charge.

Flat rate charges: (These are charged for where received in addition to any services which are subject to an assessed charge)

Halton Borough Council charges a flat rate for the following services:

- Meals received at home or in a day care setting
- Community Transport
- Lifeline (where not provided as part of the Supporting People Programme)
- Keysafes
- Night time services

Assessed charges:

Halton Borough Council will charge for the following services based on the service users' financial assessment:

- Home Care Services
- Home Care Services in an Extra Care setting
- Day Care Services (except for Community Day Care)
- Direct Payments
- Supported Living Services
- Adult Placement Services (except for respite provision, charged for under CRAG)
- Supporting People Services (where not in receipt of the Supporting People Programme subsidy)
- Any other method of delivering a Personalised Budget

A list of the current year's standard charges for the above can be found at Appendix 1.

The Council reviews charges made for all non-residential services on an annual basis at least.

## 2.1 Financial Assessments

For services that have an assessed charge, Halton Borough Council will carry out a financial assessment to work out how much a service user will be charged. This looks at income and savings, allowable expenditure (such as housing costs) and extra expenditure they have due to a disability.

The following income is not taken into account when your charge is being worked out:

- Council Tax benefit
- Housing benefit
- Any amount paid in Income Tax or National Insurance Contributions
- The whole amount of a War Disability or War Widows Pension
- War Pensions Mobility Supplement
- Mobility component of the Disability Living Allowance
- Earnings from current employment
- Earnings received by a partner
- Independent Living Fund Payments
- Pension Savings Credit
- Child Tax Credit
- Working Tax Credit

The financial assessment will make sure that all service users keep a basic living cost allowance. This figure is called the **Disregard Figure** and is never lower than the applicable basic Income Support level plus 25%.

The financial assessment will allow **housing costs** such as rent, mortgage payments and Council Tax, less any Housing benefit/Council Tax benefit where the service user is responsible for these payments. These amounts will be deducted from your total income before we calculate your charge. Where a service user requests housing costs be taken into account, the Council will refer to the latest Housing Benefit Regulations to ensure a fair and equitable approach is taken to these requests.

If a service user has additional costs due to their disability, Halton Borough Council allows a standard £14.61 per week from Attendance Allowance or the middle or higher rate of the care component of Disability Living Allowance to meet these costs. Where a service user feels their additional costs are higher than £14.61 per week, a Fairer Charging Assessment will look at those additional costs and they will be considered in line with national guidance. If we do not allow additional costs we will tell you how we have reached our decision. Further details of these allowances, called **Disability Related Expenditure** can be found in Appendix 2. Evidence of the additional expenditure will normally be required.

## 2.2 Financial Assessment Summary

The financial assessment can be summarised as follows:

Total income (excluding income listed in 2.1 above)  
Less the applicable **Disregard Figure**  
Less any allowable **Housing costs**  
Less any agreed **Disability Related Expenditure**

This will give a figure called the **Disposable Income**. We ask service users to pay 50 pence for every one pound of their Disposable Income figure.

The actual charge made will be the lower of their assessed charge or the standard cost of their service plus any flat rate charges.

With the introduction of Personalised Budgets, the Council will count 100% of a service user's personal budget to be assessed for charges. Where a service user decides to spend some of their personal budget received as a direct payment on a service or equivalent service that has a subsidised charge, we will take into account the level of subsidy to ensure a fair and consistent approach to charging.

In line with the Fairer Contributions Guidance – Calculating an Individual's Contribution to their Personal Budget, we will work out the charge against the element of the personal budget that has no subsidy and add this to the charge worked out against the element with a subsidy. This will give the amount a service user would be asked to pay.

## 2.3 Assessing Couples

Where a service user is part of a couple, the service user can choose to be assessed as an individual or as a couple. If the service user chooses to be

assessed as an individual we will not ask for, or take into account, any of the income or savings belonging solely to their partner.

Benefits that are paid to a couple are not automatically halved. When the charge for non-residential services is calculated the Council will ensure that the charge does not reduce a couples' income below the applicable basic Income Support level plus 25%.

Where we think the service user has a legal right to a share of an asset, such as a joint bank account, the service user or their partner or shared asset holder will be asked to disclose details of the value of the asset and the service users share.

If the service user chooses to be assessed as part of a couple, we will need to have details of the service user partner's income and savings etc, and we will then work out how much the service user would pay as part of a couple.

A service user can also choose to have two assessments done, one as an individual and one as part of a couple. The service user can then choose which assessment they would prefer to be used for their charge.

### **2.4 Savings, investments and other assets**

The treatment of savings, investments and other capital is in line with the treatment of such items in Section 6 of the Charging for Residential Accommodation Guide. For non-residential services we do not take into account the value of your main home at any time. The value of any property that is owned or part owned by the service user that is not used as their main residence will be taken into account in the calculation of charges.

If a service user has total savings, investments and other assets of more than £23,250 then they will be asked to pay the standard costs for non-residential services provided to them. If service users have savings of between £14,250 and £23,250 they will be treated as having a 'tariff income' of £1.00 per week for every £250 or part thereof that they have in excess of £14,250. If a service user has less than £14,250 in savings, investments and other assets, it is excluded from the financial assessment.

Savings limits are reviewed annually and are consistent with the limits set out by Central Government in the Charging for Residential Accommodation Guide.

### **2.5 Benefits advice**

As part of the initial financial assessment, service users will be offered a full benefits check, advice and support to apply for any benefits they might be entitled to claim. Where a claim is rejected, the Fairer Charging Officers can also offer advice and support to appeal the decision, including where needed, attendance at tribunals.

A service user may, at any time, contact the Council to request a benefits check from the Welfare Benefits Team.



Fairer Charging Officers will provide advice to both the service user and carer to help them make decisions where there are potential areas of conflict, for example where Carers Allowance and Severe Disability Premium are options and only one can be claimed.

The Income & Assessment Team, Fairer Charging Officers and The Pension Service have complementary roles and, with service users' consent, will share information to streamline assessment and benefit processes. Service users can withdraw consent to have information shared, at any time.

## **2.6 Disability Related Benefits**

Halton Borough Council classes the following as disability related benefits:

- Disability Living Allowance – Care component only
- Attendance Allowance
- Constant Attendance Allowance
- Exceptionally Severe Disablement Allowance
- Severe Disability Premium of Income Support

The Council does not count Constant Attendance Allowance, Exceptionally Severe Disablement Allowance or the Severe Disability Premium of Income Support as income when working out a service users' charge. It is therefore very important that if a service user receives the Severe Disability Premium of Income Support that we are informed of this amount so we can exclude it.

The night care element of any disability related benefit is ignored unless the Council is providing day and night time services.

Night time services are:   Waking Night Service (live in or visit)  
  Sleep-in Service

Where such service is provided, the Council will charge one seventh of the night care element per night. The night care element is defined as the difference between the middle and higher rate of Disability Living Allowance.

## **2.7 Changes to benefits**

If a service user's benefits or other relevant circumstances change then they MUST contact the Income & Assessment Team, as this may affect the amount the service user is asked to pay for their care services. Halton Borough Council reserves the right to backdate any increase or decrease in charges to the date from which your benefits or other relevant circumstances change. Changes include:

- Receipt of a new benefit or having a benefit withdrawn
- An increase or decrease in the level of benefit received
- Changes to income or allowable expenditure
- If the service user's capital or savings crosses one of the capital thresholds
- Changes to living arrangements including the number of adults in the household, such as the service user's partner moving to a care home.

The above are examples only and is not an exhaustive list. If a service user is unsure if a change will affect their charge, they are advised to contact the Income & Assessment Team for advice.

Halton Borough Council reviews its charges annually, usually timed to coincide with the Department for Work & Pensions annual increase in benefits.

## **2.8 Supporting People Services**

Where a service user receives support services they may be entitled to claim Supporting People Grant. If the service user receives Housing Benefit and/or Council Tax Benefit they should be able to claim the full payment of their support services. If the service user is not entitled to Housing Benefit or Council Tax Benefit they may still be entitled to Supporting People grant by making an application for their charges to be worked out under the Fairer Charging Policy.

Services users who receive services under the Supporting People programme are not charged for such services that are intended to last for less than two years.

## **2.9 Declining to provide financial details**

A service user has the right to decline to disclose their financial details. In such cases, the service user will be asked to pay the standard costs for services received. These standard costs for 2010-2011 can be found in Appendix 1.

The Council will always advise a service user to complete a financial assessment to take advantage of possible increased income and lower charges. Where a service user declines a financial assessment and is then unable to pay their charges they should contact the Income & Assessment Team immediately so a solution may be found. If a service user refuses to pay their charges their debts may be pursued through the civil courts.

## **3.1 How we charge for services**

Charges to services users will be raised for each four-week period. The billing periods for each financial year are set at the start of the year. The billing periods for 2010-2011 can be found in Appendix 3.

### **Service users will be charged from the date service commences.**

#### **Commissioned Services**

Where a service user receives services commissioned by the Council, invoices are raised after each billing period. The estimated dates of when the invoices for each billing period will be raised can also be found in Appendix 3.

Direct Payments either to a service user or third party

Where a services user receives a direct payment, the direct payment is paid four-weekly in advance and normally has the service user's charge deducted. Further details of how a direct payment is paid can be found in the 'Direct Payments from Social Services' information sheet.

The service user's charge will be worked out as the total charge for the financial year and will be payable unless the level of their personal budget changes during that financial year. If possible, the Council will offer service users a choice of how often they receive their invoices. We would like to offer four-weekly, three-monthly and six-monthly invoices or statements where payments are made by Direct Debit. The Income & Assessment Team will review the service user's contribution to the level of their personal budget annually in line with pension/benefit increases, or when requested, to adjust the amount charged in line with any changes to their personal budget.

### **3.2 Methods of payment**

The Council offers service users a range of methods to pay their charge for non-residential services. Details can be found on the back of each invoice and include:

- Debit and credit card payments over the phone, calling 0300 333 4300.
- By cheque posted to Halton Borough Council Income & Assessment Team, Kingsway House, Caldwell Road, Widnes, WA8 7EA. A receipt will be posted back to service users within five working days.
- By visiting any of the Councils' Direct Link offices. These can be found at Halton Lea shopping centre, near to the library, on Church Street, Runcorn, on Brook Street, Widnes, near to the market. Payment can be by cash, cheque or debit/credit card. Staff at the Direct Link Offices will be happy to help service users make their payment.
- By setting up a direct debit.
- By setting up a standing order
- Payment over the Internet using a debit or credit card by visiting the Council's website at [www.halton.gov.uk](http://www.halton.gov.uk) under "Pay it on-line", selecting "Council Invoices".

### **3.3 Asking for your charge to be reviewed**

If a service user believes that they cannot reasonably afford to pay the full amount of their assessed charge, they have the right to ask that the amount they have been asked to pay for non-residential care services is reviewed. The service user will be asked why they think their charge should be changed.

The financial assessment will be reviewed by the Principal Income & Assessment Officer to ensure it is correct and the Fairer Charging Policy has been consistently applied. We will then write to you explaining our decision and reasons.

If the service user is dissatisfied with the outcome, they can request the matter be referred to an Appeal Panel. Whilst your request is being considered by the Appeal Panel, we will continue to send invoices for care services to service users. If the charge is changed, this change will be

backdated to the date of the service user's request to review the charge. Any overpayment made by the service user will be refunded.

An Appeal Panel consists of Elected Members and the Review Team. The Appeal Panel will review the charge in accordance with Section 17 (3) of the Health and Social Services and Social Security Adjudications Act 1983. The service user will be invited to attend the Appeal Panel and bring a representative of their choice with them. The service user will be able to tell the Appeal Panel why their charge should be reviewed. The Appeal Panel will consider the information given and will write to the service user with their decision.

### **3.4 Delays in completing the financial assessment**

If a service user unreasonably delays completing the financial assessment they will be required to pay the standard charge for services provided until a financial assessment is completed. 'Unreasonable delay' will be decided on an individual basis. However, the Council would expect a service user or their representative to be available for a financial assessment within three weeks of contact from the Fairer Charging Officers.

If a service user's financial assessment can be completed within two months of commencement of service, the Council will refund any overpayments made by the service user. Refunds following an overpayment on completion of a service user's financial assessment later than this will be at the discretion of the Council, taking into account the service user's circumstances.

### **3.5 Non-payment of charges**

Halton Borough Council has a policy of pursuing and recovering money owed to it by people who are assessed to pay a charge for their services and who do not make payments. Where payment is not received, we will try to find out what the problem is and work with you to help you to pay, which may include making an arrangement to repay your debt over a longer time period. All cases of non-payment will be treated individually according to their circumstances.

Continued non-payment of invoices will result in the Council taking recovery action through the Courts. The cost of the Council taking such legal action will be added to the service user's debt. Legal action may include obtaining permission to obtain money from a service user's bank account through the courts, retrieval of goods to the value of the debt, determination of a payment schedule, a charge being placed on a person's property or a Garnishee order by third party attachment.

### **4.1 Compliments, Comments, Suggestions, Complaints**

Compliments, comments, suggestions and complaints are important as they help us to improve and develop the services that we provide. Service users

have the right to complain if they are not happy about the services that they receive. Service users can write with details of their compliments, comments, suggestions or complaints to:

The Customer Care Officer  
Freepost CS/3  
Health & Community Directorate  
Halton Borough Council  
Town Hall  
Heath Road  
Runcorn  
WA7 5TD

Or e-mail: [ssdcomplaints@halton.gov.uk](mailto:ssdcomplaints@halton.gov.uk)

Service users can also ring us on 01928-704411 to outline why they are not happy with the services they receive. Alternatively, service users can ask for a Complaint Form, fill it in and send it to the above address.

A service user's complaint will be investigated and we will write to them to tell them what action we will take.

We also welcome compliments, comments and suggestions. If you think we have done a good job, please tell us.

Service users should have received a copy of our complaints leaflet 'Do you have a compliment or complaint' when we arranged to visit them to collect their financial details. If a service user needs another copy of this leaflet please contact the Customer Care Officer on 01928-704411.

If a service user wishes to contact the Council or another agency regarding charges for non-residential services, contact details for a selection of agencies can be found in Appendix 4.

### **4.2 Standards (including Performance and Consultation)**

The Council will consult the Charging Review Panel with any proposals to change the charging policy. The Charging Review Panel consists of officers, elected members, service user and carer representatives and representatives from voluntary organisations.

The Council will monitor its performance on the charging process to ensure that value for money is obtained and that service users are in receipt of a quality charging assessment service. The Council will monitor the following quality standards.

- 85% of service users visited will be told how much they will be initially asked to pay at the time that they provide their financial information.
- All service users who agree to receive a home-based financial assessment will be visited within 10 working days of their application for services being received, unless the service user cannot agree to a visit during the first 10 days.

- All service users will be told in writing how much they will be asked to pay for their care services.
- All service users who receive a home-based financial assessment visit will receive their invoice within six weeks of the charge being set.
- Service users will be asked to comment on the quality of the financial assessment visit that they received and will be given a choice of filling in a survey form or contacting the Welfare Rights Service direct to record their views.
- The Council will monitor how much it costs to collect income from service users against the amount of income that is raised.
- The Council will monitor:
  - The number of home finance assessment visits made
  - The number of benefits claims made and their type
  - The number of successful benefits claims and the amount of income that this produces, both for the Council and Service Users.
  - The number of service users who decline to receive a service because of the charges they would have to pay.

**Appendix 1: 2010-2011 standard charges**

	<b>2010/11 £</b>
<b>Maximum Charges for Community Care</b>	
Domiciliary Care (per hour)	11.35
Day Care (per session)	14.86
Family Placement (per session)	14.86
<b>Meals – Day Centre users</b>	
Light Breakfast	1.18
Cooked Breakfast	1.82
Light Meal	1.68
Cooked Meal	2.24
Meals – Community Day Care Meals (per meal)	3.06
<b>Meals – Family Placement users</b>	
Family Placement Breakfast (per meal)	1.75
Family Placement Lunch (per meal)	2.18
Family Placement Tea (per meal)	2.03
<b>Meals – Delivered to users</b>	
Meals – Delivered to people in their own homes (per meal)	2.88
Meals –Tea Time Pack delivered to people in their own homes (per meal)	2.00
<b>Charges for Transport</b>	1.05
£1.05/trip to maximum charge per week of £10.50, except for service users on a higher rate mobility component of Disability Living Allowance, for whom it should be up to a maximum of 50% of the higher rate mobility component £49.85/week: for 2010/11 this is £24.92 per week. Trips beyond 10 miles of Halton's boundary to be charged separately.	
<b>Community Wardens/Lifeline</b>	
Level 1: Call centre monitoring plus community warden reactive response. (Per week)	5.53
Level 2: Call centre monitoring plus reactive call out. Community warden visits, up to two per week according to assessed need and support planning. (Per week)	6.62
Level 3: Call centre monitoring plus reactive call out. Community warden daily visits according to assessed need and support planning. Assistive technology is provided according to assessed need. (Per week)	8.82
<b>Night Time Services</b>	
Charge those who receive High Rate DLA Care/AA the amount of Benefit they receive to pay for night care services in proportion to the amount of night care service that the Council pay to provide them with. (Per week)	To 23.60 maximum





## Appendix 2: Disability Related Expenditure

Item of Spending	Weekly Allowance	Notes/Evidence required
Community Alarms	Actual cost	Invoices from provider, such as HBC Lifeline
Privately arranged care including day care activities (excluding ILF monies)	Actual cost	Actual cost allowed if not provided by Halton Borough Council. The need must be identified in the care plan/support plan. Care purchased by a service user above our weekly residential contract prices will not be allowed. Evidence: receipts (using a proper receipt book) or invoices for at least four weeks.
Private domestic help	£7.00 per hour	Allow up to £7.00 per hour if single person household, or proportionately divided by other household members. Evidence: signed receipts using a proper receipt book or invoices for at least four weeks.
Respite care	Actual cost up to a maximum	If agreed as part of care plan/support plan and no other respite is provided by Halton Borough Council.
Additional Fuel allowance	£10.00 maximum	Actual gas and electricity paid, averaged over one year minus the annual average. Evidence: invoices for one year. See below for guide costs.
Additional Water allowance	£5.00 maximum	Metered water costs only, proportionately divided by number in household minus the annual average. Reason for additional water usage must be identified. Evidence: invoices for one year.
Basic Garden Maintenance	£7.50 maximum	Actual cost proportionately divided by number in household, up to maximum amount with seasonal fluctuation taken into account. Evidence: receipts (using a proper receipt book) or invoices for at least four weeks.
Window Cleaning	£1.50 maximum	Actual cost proportionately divided by number in household, up to maximum amount. Evidence: receipts (using a proper receipt book) or invoices for at least four weeks.
Laundry costs	£3.50 for extra soap powder £5.00 laundry /service wash	Allowed where incontinence is identified, or other illness, which may cause additional need for laundry in excess of normal needs. Evidence: receipts for laundry/service wash.
Special Dietary Needs	Discretionary	Special dietary needs may not be more expensive than normal. Must have evidence of specific dietary need due to illness or disability. Evidence: receipts of purchases required over

		a four-week period.
Clothing – extra wear and tear	£5.00 maximum	Cause of extra wear and tear identified. Evidence: receipts of purchases at reasonable cost.
Specialist clothing or footwear	£5.00 maximum	Reason for specialist clothing/footwear identified. Reasonable standard cost of item would be deducted from actual cost. Evidence: receipts of purchases.
<b>Item of Spending</b>	<b>Weekly Allowance</b>	<b>Notes/Evidence required</b>
Additional Bedding	£1.50 maximum	Cause of additional bedding identified. Evidence: receipts of purchases at reasonable cost.
Additional Mobility/Transport costs	Actual cost where exceeds DLA Mobility component	Includes cost of manual or powered wheelchair divided by 500 weeks (10 year lifespan). Not allowed if equipment provided free of charge. Also includes on-going insurance/maintenance costs. Evidence: receipt of purchase.
Prescription charges	Maximum is 1/52 of annual cost.	Pre-payment certificate annual cost. No allowance if eligible for free prescriptions. Evidence: receipt for current year.
Special equipment hire, purchase and maintenance	Actual cost	Equipment divided by 500 weeks (10 year lifespan). Not allowed if equipment provided by NHS or free of charge. Internet access up to a maximum of £15 per month. If there is doubt regarding a piece of equipment being appropriate, confirmation to be sought by OT that the piece of equipment is an essential requirement.
Personal Assistant	Actual cost	Where this is assessed as a need and is not part of the care package provided by Halton Borough Council.
Other	Discretionary	Details required. Halton Borough Council will not fund items that should be provided by Health Services, such as latex gloves, wipes, incontinence products etc.

### Additional fuel allowance

An allowance is made for excessive fuel costs (gas and electricity etc.) incurred by a service user. The Government has identified typical annual fuel figures. Any fuel costs above these amounts may be allowed as an expense. Where there are more than two members in the household the allowance will be proportionate to the size of the household.

	Per year	Per month	Per week
Single person – Flat or terraced house	£997	£83.08	£19.12
Couple – Flat or terraced house	£1,313	£109.42	£25.18

Single person – Semi detached	£1,058	£88.17	£20.29
Couple – Semi detached	£1,394	£116.17	£26.73
Single person – Detached	£1,287	£107.25	£24.68
Couple – Detached	£1,696	£141.33	£32.53

**Appendix 3: Four-week billing periods and estimated invoice dates for 2010-2011**

<u>Period</u>	<u>4-week billing periods</u>		<u>Estimated invoice dates</u>
	Start Date	End Date	
1	29 Mar 10	25 Apr 10	14 May 10
2	26 Apr 10	23 May 10	11 Jun 10
3	24 May 10	20 Jun 10	09 Jul 10
4	21 Jun 10	18 Jul 10	06 Aug 10
5	19 Jul 10	15 Aug 10	03 Sep 10
6	16 Aug 10	12 Sep 10	01 Oct 10
7	13 Sep 10	10 Oct 10	29 Oct 10
8	11 Oct 10	07 Nov 10	26 Nov 10
9	08 Nov 10	05 Dec 10	21 Dec 10
10	06 Dec 10	02 Jan 11	21 Jan 11
11	03 Jan 11	30 Jan 11	18 Feb 11
12	31 Jan 11	27 Feb 11	18 Mar 11
13	28 Feb 11	27 Mar 11	15 Apr 11

**Appendix 4: Where to get further information, help or advice about charges**

If service users need further advice or information about charges for non-residential services they can contact:

**Advocacy Services**

SHAP Ltd  
Lakeside Buildings  
Prescot Road  
St Helens  
WA10 3TT  
Tel: 01744-454056

**Age Concern – Mid Mersey**

44 Church Street  
Runcorn  
WA7 1LR  
Tel: 01928-590600

**Citizens Advice Bureau**

Unit 3  
Victoria Building  
Lugsdale Road  
Widnes  
Advice Line: 08451-304055

or

Grosvenor House  
Halton Lea  
Runcorn

**Halton Carers Centre**

62 Church Street  
Runcorn  
WA7 1LD  
Tel: 01928-580182

**Halton Voluntary Action**

Sefton House  
Public Hall Street  
Runcorn  
WA7 1NG  
Tel: 01928-577626

**Halton Borough Council Welfare Rights Service: 0151-471-7448**

**Halton Borough Council Direct Link Offices** can be found at:

Halton Lea	Church Street	Brook Street	Queens Avenue
Runcorn	Runcorn	Widnes	Ditton, Widnes

**Halton Borough Council can be contacted on: 0300-333-4300**

**REPORT TO:** Executive Board Sub-Committee

**DATE:** 1<sup>st</sup> April 2010

**REPORTING OFFICER:** Strategic Director - Environment and Economy

**SUBJECT:** Renewal of The Mersey Forest Agreement

**WARDS:** Boroughwide

### **1.0 PURPOSE OF THE REPORT**

- 1.1 To advise Members that the original agreement with Mersey Forest has expired and request their support for a further agreement.

### **2.0 RECOMMENDATION: That;-**

**The existing Mersey Forest Agreement be renewed and the Strategic Director – Environment and Economy be authorised to determine the terms of the new Agreement following the principles outlined in this report.**

### **3.0 SUPPORTING INFORMATION**

- 3.1 The Mersey Forest is the biggest of the UK's 12 Community Forests. It covers 420 square miles (1,082 km<sup>2</sup>) and is part of a 30-year plan to transform the landscape across Merseyside and North Cheshire. The regeneration of The Mersey Forest is being achieved by a partnership comprising the Forestry Commission, Natural England, nine local authorities, The Mersey Forest Team and various other organisations and individuals who share the vision for creating The Forest.
- 3.2 In the 19 years since it was established, over 3,750 hectares of new habitat have been created in the Mersey Forest, and around 10 million new trees planted. In Halton itself during this period, there have been 110 hectares of new woodland planted, 45 hectares of non-woodland habitat created, £2.9 million additional funding brought in, and over two thousand community events organised.
- 3.3 Halton Borough Council has been a partner in the Mersey Forest since its inception, and the current Agreement is now due for renewal. The new Agreement will run from the 1<sup>st</sup> April 2010 until the 31<sup>st</sup> March 2015.
- 3.4 The Agreement empowers the nine local authorities to work together to support the work of the Mersey Forest. The new Agreement is very similar to the previous one, with changes being made to reflect the local government re-organisation that took place in Cheshire in April 2009.

#### **4.0 POLICY IMPLICATIONS**

- 4.1 Halton Unitary Development Plan Policy No. GE28 supports the work and aims of the Mersey Forest.
- 4.2 The Mersey Forest helps to achieve several of the objectives in the Corporate Plan, particularly those connected with 'A Healthy Halton' and 'Urban Renewal'.

#### **5.0 OTHER IMPLICATIONS**

- 5.1 Financial: An annual sum of £18,200 is allocated within the Council's Revenue budget, as a contribution towards the Mersey Forest. The proposed agreement would commit the Council to this annual contribution until 2015. It is likely that over the next few years funding in excess of £18,200 will be brought into Halton through Mersey Forest.
- 5.2 Sustainability: The Mersey Forest helps to achieve several objectives of the Local Agenda 21 Strategy and A Local Compact for Halton.

#### **6.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES**

##### **6.1 Children and Young People in Halton**

The above proposals will deliver improvements that will directly impact on the lives of local children and young people who will have access to the woodland areas within public open spaces and within school grounds.

##### **6.2 Employment, Learning and Skills in Halton**

Creation of woodland areas will create more jobs directly and indirectly. Staff with a high level of arboricultural skills will be required to maintain sites.

##### **6.3 A Healthy Halton**

Improvement of the Borough's Green Infrastructure and increased patronage will make a beneficial contribution to the health of the Borough's citizens. Woodland areas have the ability to fix carbon thereby reducing carbon emissions. Trees also have a beneficial effect in a warmer climate by providing cooler sheltered areas.

##### **6.4 A Safer Halton**

Attractive woodland areas increase patronage, which in turn has been proven to reduce crime and anti social behaviour.

#### **6.5 Halton's Urban Renewal**

Improvements to the Borough's Green Infrastructure will further improve the image of the Borough and contribute directly to its Urban Renewal.

### **7.0 RISK ANALYSIS**

6.1 No significant risks have been identified.

### **8.0 EQUALITY AND DIVERSITY ISSUES**

7.1 No significant Equality and Diversity Issue have been identified.

### **9.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972**

<b>Document</b>	<b>Place of Inspection</b>	<b>Contact Officer</b>
Mersey Forest Agreement 2010/11 to 20/14/15.	Picow Farm Depot	Paul Wright



**REPORT TO:** Executive Board Sub-Committee

**DATE:** 1 April 2010

**REPORTING OFFICER:** Strategic Director - Environment & Economy

**SUBJECT:** New Service Level Agreement with Cheshire Wildlife Trust.

**WARDS:** Boroughwide

### **1.0 PURPOSE OF THE REPORT**

- 1.1 To seek Members approval to enter into a three year Service Level Agreement with the Cheshire Wildlife Trust ,which will enable the Council to deliver its biodiversity commitments.

### **2.0 RECOMMENDATION: That**

**The Council enter into a Service Level Agreement with the Cheshire Wildlife Trust for the provision of Ecological Advice, Biological Recording and advice on Planning matters.**

### **3.0 SUPPORTING INFORMATION**

- 3.1 The Cheshire Wildlife Trust is the region's leading environmental conservation organisation, working on all aspects of nature and wildlife protection. Over a number of years, the Trust has worked in partnership with local authorities and other conservation bodies. The Trust has developed a Service Level Agreement that will provide ecological advice, biological recording, development of site management plans and Local Wildlife Sites (see 4.2) for Cheshire West & Chester Council, Halton Borough Council and Warrington Borough Council. These services will be delivered to Halton for a fixed cost of £17,000.00 per year for three years.
- 3.2 The Council currently has a very basic Service Level Agreement with the Cheshire Wildlife Trust through which they give advice on nature reserve management and prior to December 2008 they provided assistance to the Nature Conservation Officer. The current agreement costs £2,400 per year.
- 3.3 The Council currently has a Service Level Agreement with 'Record' for the provision of biological recording and GIS analysis. The current agreement costs £2,170 per year.

- 3.4 The Council's Open Space Services has responsibility for nature conservation and biodiversity. The Division does not have a designated Nature Conservation Officer and therefore needs to deliver this element of its responsibility through partnership working.

#### **4.0 POLICY IMPLICATIONS**

- 4.1 There is a general biodiversity duty in the Natural Environment and Rural Communities (NERC) Act (Section 40) which requires every public body in the exercising of its function to 'have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. This SLA will help with this duty through the delivery of the current Natural Assets Strategy and the Halton Biodiversity Action Plan's and their successor strategy 'The Halton Green Infrastructure Strategy'.
- 4.2 Local Authorities are also required to report against National Indicator 197 (NI 197) – Local Wildlife Sites in active conservation management. The Agreement will help in the information gathering and survey work required for this part of the statutory duty.
- 4.2 The Service Level Agreement will help to achieve several of the objectives in the Corporate Plan, particularly those connected with 'A Healthy Halton' and 'Urban Renewal'.

#### **5.0 OTHER IMPLICATIONS**

- 5.1 Financial: An annual sum of £17,000 has been allocated from within the Revenue budgets of the Open Space Services and the Regulatory Services Divisions to cover the cost of the Service Level Agreement. The proposed agreement would commit the Council to this annual cost until 2013.
- 5.2 Sustainability: The Service Level Agreement will help to achieve several objectives of the Local Agenda 21 Strategy and A Local Compact for Halton.

#### **6.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES**

##### **6.1 Children and Young People in Halton**

The above proposals will deliver improvements that will directly impact on the lives of local children and young people who will have access to local nature reserves and wildlife sites for study and recreational purposes.

## **6.2 Employment, Learning and Skills in Halton**

The Cheshire Wildlife Trust will recruit and train local volunteers to carry out biological recording at wildlife sites boroughwide and in so doing will develop valuable transferable skills amongst local residents.

## **6.3 A Healthy Halton**

Improvement of the Borough's biodiversity will have an impact on human health through the creation of interesting sites that will encourage visitors.

## **6.4 A Safer Halton**

There are no implications regarding A Safer Halton.

## **6.5 Halton's Urban Renewal**

Improvements to the Borough's Green Infrastructure will further improve the image of the Borough and contribute directly to its Urban Renewal.

## **7.0 RISK ANALYSIS**

6.1 No significant risks have been identified.

## **8.0 EQUALITY AND DIVERSITY ISSUES**

7.1 No significant Equality and Diversity Issue have been identified.

***(NB ONLY INCLUDE 8.0, 9.0 AND 10.0 BELOW IF THE REPORT RELATES TO A KEY DECISION INCLUDED ON THE FORWARD PLAN)***

## **9.0 REASON(S) FOR DECISION**

## **10.0 ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

## **11.0 IMPLEMENTATION DATE**

## **12.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972**

<b>Document</b>	<b>Place of Inspection</b>	<b>Contact Officer</b>
Natural Assets Strategy	Picow Farm Depot	Paul Wright
Halton's Biodiversity Action Plan	Picow Farm Depot	Paul Wright