

REPORT FOR: **CABINET**

Date of Meeting:	18 October 2011
Subject:	Proposals following Adult Care Services Consultation
Key Decision:	Yes
Responsible Officers:	Paul Najsarek, Corporate Director Adults and Housing, Fernando Silverio, Divisional Director - Collections & Housing Benefits.
Portfolio Holders:	Councillor Bill Stephenson (Leader of the Council), Councillor Margaret Davine, Portfolio Holder for Adult Social Care, Health and Wellbeing
Exempt:	No
Decision subject to Call-in:	Yes
Enclosures:	Appendices A - Fairer Contributions Policy B - Contributions To Care EqIA C - Comparison to other LA's - key criteria D - Comparison to other LA's - charges E - Meals on Wheels EqIA F - Concessionary Travel EqIA

Section 1 – Summary and Recommendations

Cabinet is recommended to:-

Recommendation 1 - Contributions To Care

- (i) Approve the Fairer Contributions Policy as annexed at Appendix A.
- (ii) Approve funding of the Adult Care Services consultation process of £117k from the Corporate Contingency Budget.
- (iii) Approve funding for the implementation of the Fairer Contributions Policy transitional programme between November 2011 and March 2012 of £200k from the corporate Transformation & Priority Initiatives Fund.
- (iv) Implement the transitional programme between November 2011 - March 2012 with contributions, subject to financial assessment, for existing service users effective from 1st April 2012 as set out in paragraph 10:15.
- (v) Agree that contributions for new service users, subject to financial assessment, to be implemented immediately following agreement to their new support plan.
- (vi) Delegate authority to the Corporate Director of Adults & Housing in consultation with the Corporate Director of Finance and portfolio holders to review the corporate debt collection policy to ensure it is appropriate for Adult Care debt collection.
- (vii) Delegate authority to the Corporate Director of Adults & Housing in consultation with the Portfolio Holder to develop a communication plan that ensures all service users are made aware of the content of the new Fairer Contributions Policy.

Reason: (For recommendation):-

- Introduces a fairer system in that service users are asked to make a contribution towards the overall cost of their care package based on their ability to pay.
- Protects the quality of the service.
- Helps to ensure financial sustainability of the service.
- If all the proposals are agreed it is estimated that in a full year savings in the region of £500k would be achieved.

Recommendation 2 - Eligibility to Adult Social Care Transport

- (i) Delegate authority to the Corporate Director of Adults & Housing in consultation with the portfolio holder to determine criteria, based on the Fairer Contributions Policy, for eligibility to community transport based on the needs of the individual and maximising mobility options.
- (ii) Agree that the cost of community transport to be incorporated into the Resource Allocation System and ring fenced.
- (iii) Implement transitional arrangements to ensure that all existing service users continue to receive the service until 31st March 2012 at which time those, whose care need assessment has determined they are not eligible, will no longer receive the service.
- (iv) Agree that all new service users who, through their care need assessment are determined to be eligible for the service will be required to make a contribution towards the cost of their care immediately, subject to their financial assessment.
- (v) Delegate authority to the Corporate Director of Adults & Housing in consultation with the portfolio holder to develop a communications plan that ensures users understand how the assessments will be carried out for access to Adult Social Care Transport.

Reason: (For recommendation):-

- The introduction of an eligibility criteria based on need will ensure that people who have unmet needs will be able to access transport
- Helps to ensure financial sustainability of the service
- Those assessed in eligible need will still be supported
- Achieves approximately £350k revenue savings in a full year

Recommendation 3 - Meals on Wheels

- (i) Delegate authority to the Director of Adults and Housing in consultation with the portfolio holder to continue to investigate ways of reducing the cost of the service and generate income whilst maintaining the quality of the meals.
- (ii) To consider options A, B, and C as set out in paragraph 12.32 - 12.34 of the report.
- (iii) To agree to continue an annual inflation factor uplift on meal prices based on the Council's inflation rates as a part of the overall budget setting process.

- (iv) Delegate authority to the Director of Adults & Housing consultation with the portfolio holder to develop a communication plan that ensures all service users are made aware of any changes made to the delivery of services and or prices.

Reason: (For recommendation):

- o Ensures the service is sustainable and continues to contribute to safeguarding vulnerable people
- o Added value on prevention and safeguarding

Recommendation 4 - Concessionary Travel

- (i) **National Disabled Freedom Pass Review Outcome:**
Transfer National Disabled Freedom Passes, which did not qualify for the statutory scheme under the recent Audit review, to Discretionary Freedom Passes and re-assess them against the new Discretionary Freedom Pass policy cancelling any that do not qualify by 31/03/2013.
- (ii) **Discretionary Freedom Pass:**
Adopt new Discretionary Freedom Pass criteria as set out in paragraphs 13.46 and 13.47 of the report and implement immediately for new applications and review existing recipients with a view to effecting cancellations by 31/3/2013 for those not meeting new criteria.
- (iii) **Establishing levels of entitlement for multiple services**
Adopt new entitlement band levels and other conditions as set out below with effect from 1/4/2012.

Band A	Applicants who hold either a Freedom Pass or a Blue Badge or both, will be entitled to a Taxicard with a maximum allocation of 52 trips annually.
Band B	Applicants who do not hold a Freedom Pass or Blue Badge will be entitled to a Taxicard with a maximum allocation of 104 trips annually.
	Applicants who hold a Discretionary Freedom Pass will not be entitled to a Taxicard .

Current Discretionary Freedom Pass / Taxi card holders who have already been assessed and have qualified for both concessions to be offered choice of which one they wish to retain and the unwanted concession to be cancelled by 31/3/2012.

- (iv) **Charge for replacing a lost/damaged Freedom Pass.**

From 1/4/2012	Charge £10 with effect from 1/4/2012.
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Reason: (For recommendation):

- Reduces overall cost and restricts future cost growth
- Protects most vulnerable

If all the proposals are agreed the overall savings would be £309,000 in a full year.

Section 2 - Report

1. Introduction

- 1.1. Due to cuts in Central Government funding the Council must find £60 million savings over the next few years. As the largest Council Department Adult Services must therefore make savings. In these challenging times it is important that the Council continues to provide safe, efficient, high quality services that meet the needs of the most vulnerable. Adults Services are a high spending area of the Council and as a consequence will be asked to make their fair share of reductions.
- 1.2. Adult Social Care has carried out a major consultation to ensure the people living and working in Harrow were given the opportunity to give their views on proposed changes to services that would enable the council to provide sustainable services within a limited budget.
- 1.3. To ensure the consultation was carried out effectively Adult Social Care developed a Steering Group whose membership included representatives from Voluntary Organisations, Users, Carers, NHS, CNWL and Unions. The Steering Group met regularly and worked in partnership with the Council to develop and deliver the consultation activity.
- 1.4. The consultation was carried out over two phases, pre consultation and full consultation. The pre consultation was carried out from 18th October 2010 to 17th December 2010 and the feedback shaped the proposals that were included within the full consultation from 16th May 2011 to 12th August 2011.
- 1.5. The consultation followed the principles of openness and transparency as agreed within the Consultation Code of Practice within the Harrow compact and has gained praise from key stakeholders as being the “first consultation that has genuinely engaged with us” Age UK.
- 1.6. This report contains a summary of the findings from the full consultation activity and puts recommendations for savings to Elected Members for consideration and decision.

2. Options considered

- 2.1. Savings must be made across all Council Services. Adult Social Care has, and is continuing, to review ‘back office’ functions and is working in partnership with other organisations to make savings that will not affect front line services. However these savings will not be enough to meet the cuts in funding and therefore there has been no option but to propose changes to the way front line services are delivered to make savings.

- 2.2. To ensure all options have been considered the community were asked to put their ideas for savings forward within the pre consultation. Adult Services recognised that it would be difficult for the community to suggest savings to front line services and therefore also put forward some ideas that would help prompt discussions. No new ideas were put forward for savings however the majority of people who responded agreed that the ideas put forward by the Council should be put forward for full consultation. The proposed changes were within the following service areas:-
- Meals on Wheels
 - Fair contributions towards the cost of care
 - Transport to Community Activities
 - Concessionary Travel
- 2.3. Prior to the options being put to full consultation, the Steering Group worked intensively with the Council to develop detailed proposals that could be put to full consultation and alongside this activity developed Equality Impact Assessments for all the proposed changes. The multi agency group has continued to update the Equality Impact Assessments throughout the full consultation.
- 2.4. Within the full consultation Adult Social Care consulted on the following detailed proposals for change:
- Costs of Meals on Wheels
 - Draft Fairer Contributions Policy which included the following proposals:-
 - Contributions for all Adult Care Services
 - Removing the weekly ceiling of £250
 - Introducing a 'Tariff Income'
 - Raising the costs of all services in line with inflation on a yearly basis
 - The transition process if changes are agreed
 - Eligibility criteria for access to Adult Social Care Transport
 - Concessionary transport which included the following proposals
 - Eligibility criteria for access to the Discretionary Freedom Pass
 - Changes to Taxicard usage for multiple pass holders; and
 - Charging £10 for lost or damaged Freedom Passes

- 2.5. Recommendations are included within the body of the report.

3. Background

- 3.1. Adult Services wanted to ensure that the consultation was inclusive and transparent. There was a need to give confidence to the community that their views would be listened to and as a result would feed in to the planning and delivery of future services. The Steering Group worked with the Council to develop and deliver the consultation activity.

4. Pre Consultation

- 4.1. The pre consultation activity included:
- A questionnaire sent to over 7,000 users and carers
 - Pre consultation document and feedback form distributed to over 10,000 people
 - Face to face meetings held with over 700 people
- 4.2. The purpose of the Pre Consultation was to get ideas and identify any other areas for saving. The majority of people were in favour of change and taking proposals forward for full consultation.
- 4.3. A report was taken to Cabinet for information on the 17th March detailing the findings from the Pre Consultation. Further to the Pre Consultation period a feedback report was also developed and made widely available to ensure people living and working in Harrow understood how their views had been taken into consideration when deciding the proposals for change that would be taken to full consultation.
- 4.4. A review of the Pre Consultation activity was carried out by the Steering Group and the learning incorporated in to the planning for the full consultation.

5. Full Consultation

- 5.1. The full consultation was carried out from 16th May 2011 to 12th August 2011. The full consultation was designed, in partnership with the Steering Group, to consider detailed proposals for change and identify possible implications. The material and activity delivered for the full consultation included:
- Full consultation document circulated to all users, carers, community groups and voluntary organisations
 - Easy Read consultation documents

- DVD
- Translation Service
- Consultation Events
- Survey & face to face meetings with Meals on Wheels users
- Discussion Groups
- Web forms
- Web Advert

5.2. During this period of consultation activity:-

- 700 people were involved in meetings and discussion groups
- 259 feedback forms and written responses were received
- 7 people responded online
- 150 meals on wheels surveys were returned
- 32 Steering Group and Sub Group meetings were held.

5.3. The feedback to the proposals for change was collected and a summary presented to the Steering Group. The Steering Group discussed the feedback, impacts of the changes and proposed recommendations and this information is included within the following Sections of the report.

5.4. A Feedback Report will be developed and made available to anybody who requests a copy following the Cabinet Meeting.

5.5. Responses to the full consultation have been presented in the Sections on the separate proposals. The responses were also used to inform the Equality Impact Assessments.

6. Fairer Contributions Policy

Outline of the Policy Framework

6.1. Under the Council's current policy the only non-residential services where, subject to a financial assessment, service users are required to make a contribution towards the cost of their care, is for Home Care up to a capped limit of £250 per week. All other services such as Day Care, Transport and Respite Care are provided free of charge to those who have been deemed eligible to receive these services.

6.2. Under a new Fairer Contributions Policy it is proposed that the Council introduces contributions towards all non residential care for all needs met in the community according to an individual's ability to make a

contribution towards the cost of meeting those needs regardless of the service record.

- 6.3. The policy will be based on legislation and a revised set of guidance notes published by the Department of Health in September 2010 (see Section 7 – Statutory Framework) which sets out how a Local Authority should calculate an individual's contribution to their “**personal budget**”.
- 6.4. The introduction of a personal budget for everyone who is eligible for Adult Social Care and Support forms an integral part of the transformation of Adult Social Care under the “**personalisation**” framework which is designed to provide people and their carers with more control, choice and flexibility over how they plan and manage their own social care needs.
- 6.5. Under the personalisation framework anyone applying for social care support will need to go through a supported self-assessment process to determine the care that they need, and a financial assessment process to determine their ability to make a contribution towards the cost of their care.
- 6.6. The supported self assessment process will identify the services needed to meet assessed eligible needs and the Council will work out the cost of those needs and how much will be allocated to an individual's personal budget. A **support plan** will then be prepared setting out how the person wants their needs to be met using their allocated personal budget.
- 6.7. Under the Financial Assessment process the Council will ask everyone for details of their weekly income and expenditure. This is a means tested process to determine a person's ability to make a contribution towards the cost of their care.
- 6.8. Once the support plan and financial assessment have been completed the Council will confirm in writing the amount of the personal budget and any contribution that the person may be required to make for their individual care package. A person then has the choice of either the Council managing their personal budget to arrange all the care and support they need or they may opt for their personal budget to be provided as a “**personal cash budget**” which they can then use to make their own arrangements for their care needs.
- 6.9. If a personal cash budget is taken the Council will first offset the amount of any assessed financial contribution and pay the balance to individuals as a “**Cash Payment**” minus any assessed contribution. Alternatively an individual may wish to have a mixture of the two, with some services managed by the Council and some of the personal budget paid directly to them.

Benefits of the Fairer Contributions Policy

- 6.10. The benefits of introducing a new Fairer Contribution Policy can be summarised as follows:-
- Introduces a fairer system in that all service users are asked to make a contribution towards the overall cost of their care package based on their ability to pay.
 - Increases income to ensure the service is sustainable.
 - Protects the quality of the service.
 - Helps to ensure financial sustainability of the service.
 - If all the proposals are agreed it is estimated that in a full year savings in the region of £500k would be achieved.

7.0. Statutory Framework

- 7.1. Local Authorities have discretionary powers to charge adults who receive non-residential social care services under Section 17 of the Health and Social Services and Social Security Adjudication Act 1983. Section 7A of the Local Authorities Social Services Act (LASSA) 1970 requires Local Authorities to exercise their functions in accordance with directions and guidance issued by the Department of Health.
- 7.2. In 2003 the “Fairer Charging policies for Home Care and other non-residential Social services” guidance was published (“Fairer Charging Guidance”). At the end of 2010, new guidance was issued in response to the new personalisation agenda, namely “Fairer Contributions Guidance 2010 - Calculating an Individual’s Contribution to their Personal Budget” (“Fairer Contributions Guidance”).
- 7.3. The Fairer Charging Guidance states that when designing charging policies, councils must consider the following :-
- Determining whether to charge for non-residential social services is a matter for councils discretion,
 - When setting charges, councils should take account of no more than the full cost of providing the service, excluding the cost of the purchasing function and the costs of operating the charging system. It is matter for councils to determine whether to levy a contribution or seek full cost recovery,
 - Charges for different types of non-residential social services and how they impact on individuals should be considered together and not in isolation,

- For most charging policies, councils should ensure that users' net incomes are not reduced below the basic levels of Income Support, plus a buffer of 25%,
- Councils should ensure that comprehensive benefits advice is provided at the time of a charge assessment,
- Assessments should take full account of any disability related expenditure,
- Consultation - Councils should consult users specifically about whether and how to set an overriding maximum charge and should consult users and carers about charging policies and any proposed increases in charges,
- Savings and capital - In relation to the calculation of a tariff income taking account of savings and capital, the guidance states that users with savings of more than the upper limit may be asked to pay a full charge for the service. The limits are the same as those for residential accommodation. Councils may set higher savings limits or more generous charging policies, but should not set lower limits,
- Earnings should be disregarded so as not to provide a disincentive for employment,
- Councils should monitor the impact of charging policies.

7.4. The proposals put forward for the introduction of a new Fairer Contributions Policy in Harrow Council have taken into account the legislation and Department of Health guidance described above and has also taken into account best practice adopted by other local authorities.

8.0. The Principles of the Fairer Contributions Policy

8.1. The principles of the policy are to make sure that service users are treated fairly. People will receive an individual personal budget for their social care based upon their assessed needs. They will be expected to contribute to their budget according to their individual circumstances and their ability to pay.

8.2. The proposed Fairer Contributions Policy will therefore be based on the following principles:-

- **Fairness:** - the policy will be applied consistently to everyone regardless of how they are getting their services, so that everyone is treated fairly and equitably.

- **Ability to pay:-** service users will know how and why they are contributing to the services they choose to receive to meet their needs. People will be asked to contribute towards the cost of their social care based on their individual circumstances and ability to pay.
- **Reasonableness:-** residents should be able to access the services they need at an affordable level.
- **Transparency:** - residents will understand how their contributions (if any) have been calculated and what any contributions are likely to be at an early stage of planning their care.
- **Maximising benefit entitlement:-** all residents undergoing a financial assessment for their care will be offered a welfare benefits check to ensure they are receiving all the benefits that they are entitled to claim.
- **Compliance with statutory duties:** - the policy is developed in line with legislation and requirements set out in the Department of Health national guidance on fair charges and fairer contributions.

9.0. Proposed changes to the Fairer Contributions Policy

- 9.1. The consultation process has set out a number of proposals on how the non-residential Adult Social Care contributions framework will need to change in Harrow to make the contributions policy a fairer one for all residents that use the services.
- 9.2. The proposed new policy is attached at Appendix A and contains the following proposals :-

Contributions to Care

- (i) Contributions for all non residential Adult Social Care where users have needs that are not currently charged, based on ability to pay.
- (ii) Removal of the £250 per week ceiling on charges for Adult Social Care services for those in a better financial position who are able to pay for all the care they receive.
- (iii) Introducing a graduated scale (also known as a “tariff income”) to reflect income received on capital and assets held between £14,250 and £23,250 to be taken into account in a financial assessment, bringing the Council in line with other local authorities policies.

- (iv) Raising the charges for all services annually in line with inflation.
- (v) The transitional arrangements that will be put in place to move from the old arrangements to the new arrangements if the proposals are agreed by the Council.

Eligibility to Adult Social Care Transport

- (i) The introduction of additional questions in the Resource Allocation System (RAS) to determine an allocation for an individuals transport needs.

9.3. The following sections of this report set out in more detail the proposed policy changes, feedback received on those proposals through the consultation process, and impacts and equalities issues in relation to service user groups that may be affected by the new policy.

10. Contributions towards all non residential Adult Social Care Services

Existing Policy

- 10.1. At present the Council only requires service users who are eligible for Home Care services to make a contribution towards the cost of their care. Their contribution is based on an individual financial assessment and their ability to pay.
- 10.2. Service users who are in receipt of all other non-residential services, other than Meals on Wheels, currently receive these free of charge.

Proposed Policy

- 10.3. The new Fairer Contributions Policy proposes to introduce contributions for all Community Based services where the service users are currently receiving these free of charge.
- 10.4. Community Based Services covers a range of services which include :-
 - Home Care (currently charged)
 - Day Care
 - Transport
 - Respite Care
 - Meals (subject to separate charging policy)
 - Reablement (non-chargeable for first 6 weeks)
 - Short Term Residential (non respite)

- Professional Support (non chargeable)
 - Equipment & Adaptions (non chargeable)
- 10.5. The proposal is to introduce contributions for all non-residential Adult Care Services (other than those identified as non-chargeable) and to introduce changes to the financial assessment process by :-
- Removal of the £250 per week ceiling.
 - Introduction of a “tariff income” on capital and savings.
 - Raising charges in line with inflation.
 - Implementing transitional arrangements
- 10.6. All service users who are eligible to receive the proposed chargeable services, except Meals on Wheels, will be required to go through a financial assessment process (currently only Home Care service users go through this process) to determine their ability to pay. The financial assessment process looks at all of the service users weekly income and expenditure levels to determine the amount of contribution, if any, they will be required to make.
- 10.7. Where it is determined that they have the ability to make a weekly contribution towards the cost of their care, **this contribution will be towards the full cost of their care package covering all of their eligible service needs**, which in some individual cases could incorporate a number of different community based services.
- 10.8. Where a service user is determined to have no ability to make a contribution towards the cost of their care the Council will arrange funding for the full cost of their care to ensure their eligible care needs are still being provided.

Removal of the £250 Ceiling

- 10.9. At present the Council implements a ceiling of £250 per week on a service user’s contribution towards the cost of Home Care services. This means that where a person’s cost of care is for example assessed to be £275 per week and they have the ability to pay this amount the Council will only require them to pay a maximum of £250 per week.
- 10.10. The proposal for the future is to remove the weekly £250 maximum contribution towards the costs of care for those in a better financial position who have the ability to pay for all the care they receive to bring Harrow in line with the majority of other local authorities.

Introduction of a “tariff income” on capital and savings

- 10.11. Currently the Council does not apply a “tariff income” or graduated scale to reflect income received on capital and assets held between £14,250 and £23,250 as a part of the financial assessment.
- 10.12. The “tariff income” is designed to take into account income received for capital and savings held in bank and building society accounts. The thresholds are applied as follows:-

Under £14,250 held

Not taken into account in the Financial Assessment.

£14,250 - £23,250 held

£1 is applied for each £250 (or part thereof) held between the two thresholds, which means that depending on the level of savings held between these amounts an additional amount of anything from £1 to £36 per week will be included in the financial assessment.

Over £23,250 held

Service users would be required to pay the full cost of their care

Raising charges in line with inflation.

- 10.13. The current policy is not to implement an annual inflation uplift on the charges for Adult Social Care. This is out of line with all other council services.
- 10.14. The proposal is to introduce an annual uplift for inflation to reflect the increases in the costs of providing these services as part of the annual budget setting process agreed by Cabinet and Council in February last year.

Implementing transitional arrangements

- 10.15. The proposal presented during the consultation process for implementing transitional arrangements for the new policy is set out as follows :-
- (i) Any proposed changes to The Fairer Contribution Policy agreed by the Council will be implemented from (an agreed date following the Cabinet decision) and will apply to all new referrals for Adult Social Care and all residents who are already receiving Adult Social Care Support.
 - (ii) Upon the introduction of the Policy all residents who are already receiving a personal budget will retain that budget but will be required to make a contribution subject to their ability to pay in line with this policy.

- (iii) From (an agreed date following the Cabinet decision) the Council will start to apply the new Fairer Contributions Policy for Adult Social Care when assessing all new cases and when existing cases are being re-assessed at the annual review stage.
- (iv) For all re-assessed cases, where it is determined through the financial assessment process that there is a need to backdate your contribution towards the cost of care, the Council will allow you a period of up to six months, from the date of notifying you of the amount owed, to bring your contributions up to date.
- (v) This will however be subject to monitoring and review to ensure that no hardship is caused as a result of any backdated contribution being made.

10.16. The proposal meant that existing service users would be brought onto the new contributions policy at the time of their annual review, which are at different times in the year. Some existing service users would then be paying new charges sooner than others and some service users would be required to pay backdated contributions.

10.17. This proposal was extremely unpopular with service users, voluntary groups and members of the Steering Group who all raised concerns about the fairness of this proposal and anxiety this would place on people facing potentially large bills.

10.18. Further review of transitional arrangements came up with several alternative options for consideration to alleviate these concerns:-

- (i) phase the implementation as originally intended but with no back dating,
- (ii) not to carry out a full care need assessment but deploy resources to carry out only financial assessments as soon as possible with no back dating,
- (iii) deploy resources to carry out the full care need assessment and full financial assessment with the resulting support plan implemented immediately but the new contribution towards the cost of care implemented from 1st April 2012.

10.19. Option (i) would mean no back dating but some people would be paying higher charges earlier than others, depending on when their annual review fell due in the year, and there would be an impact on savings targets for both 2011/12 and 2012/13.

10.20. Option (ii) would mean care need assessments and financial assessments would be out of line when they need to be carried out at the same time.

- 10.21. Option (iii) would mean that the care need assessments and financial assessments would be carried out at the same time and all completed by 31st March 2012. Care support plans would be implemented immediately they are agreed but the new contributions, where payable, would be implemented for everyone at the same time on 1st April 2012.

Number of service users potentially affected

- 10.22. As at August 2011 there were 4,200 service users who have ongoing Community Based Services that include Home Care, Day Care, Transport and Respite.

- 10.23. It is estimated that 900 of these service users may potentially be affected by the introduction of the new policy in one of the following ways:-

Home Care

- 10.24. Some Home Care service users may be affected by the proposed changes to the Financial Assessment criteria, the removal of the weekly ceiling of £250 per week and the introduction of the “tariff income”.
- 10.25. Some of this group who are currently “nil” assessed may be required to make a contribution towards the cost of their care in the future if their financial circumstances change, and some may be required to pay more for their care than they are currently paying.

Other Community Based Services

- 10.26. Those service users in receipt of Day Care, Transport and Respite, who do not currently receive Home Care services, may be required to make a contribution towards the cost of their care where currently they are receiving these services free of charge.
- 10.27. In all cases everyone will be required to go through a financial assessment, which is a means tested process, to determine their ability to pay. If an individual refuses to go through a financial assessment then they will be required to pay the full cost of their care.

Consultation Feedback

Feedback from Service Users

- 10.28. Most people who used the feedback forms support the principle of the Fairer Contributions Policy. In face to face meetings, although many thought it was a fairer approach, many were also concerned about what it would mean for them and said they would stop using services. Mental Health service users and advocates raised particular concerns that the new policy would have a negative impact on them and could lead to some people being unable to afford the care need that they require.

10.29. The key themes raised through the consultation in respect of introducing contributions for all Adult Social Care were:-

Contributions to Care

- Concerns that people may stop using services
- Concerns about the impact on carers
- Fairer approach if people can afford to pay,
- Safeguards and good means testing in place
- Backdating will be unpopular and have adverse affect on users
- Could push service users into debt
- Paying for Respite will be a burden on Carers
- Concern that centres will close if people stop attending
- Charges for transport & day care will stop people using services

Removal of £250 per week Ceiling

- People suggested a higher ceiling of £300 per week

Introduction of the “Tariff Income”

- agreed with graduated scale but tariff thresholds should be higher
- concerns expressed that scale is based on the interest rates which were a lot higher when the guidance was introduced. As interest rates are lower income earned on savings is negligible
- would cost more to implement than save

Raising Charges in Line with Inflation

- Many people are on a fixed income that doesn't rise eg, pensions and benefits
- Suggestion of an uplift lower than inflation
- Must give sufficient warning of changes

Implementing transitional arrangements

- There was a high level of concern regarding the proposed transition arrangements
- Contributions should not be backdated

- Not able to make informed decisions if backdated
- Should not be implemented until all have had financial assessments
- It will cause hardship if backdated
- What if the contribution is miscalculated?

Feedback From Voluntary Organisations

- 10.30. **MIND in Harrow** - raised concerns regarding introduction of the Fairer Contributions Policy until mental health personalisation is fully implemented.
- 10.31. **Harrow Mencap** - endorsed the principle for the Fairer Contributions Policy but must put in place contingencies for monitoring impacts should an individual decide to discontinue a service.
- 10.32. **Age UK Harrow** - felt that the introduction of a tariff will have a detrimental effect on older people.
- 10.33. **Age UK Harrow** - felt that the proposal to introduce a charge for transport will deter older people from using the service. Detrimental effect on their quality of life. Could result in social exclusion for elderly people living on their own and affect older Carers who depend on Day Centres to provide respite
- 10.34. All the voluntary organisations said that no one should be asked to make back dated payments for the cost of their care.

Feedback From Steering Group

- 10.35. The feedback from the Steering Group was positive with regard to the overall proposals provided the transitional arrangements with regard to backdating were addressed.
- 10.36. The general points made were :-
- Community User Champions could not support the proposals
 - Harrow MENCAP endorsed Fairer Contributions Policy in principle
 - Age UK Harrow endorsed with caveat 'no back payment'
- 10.37. The group felt that further detail was required regarding impact, transitional arrangements and monitoring arrangements. These have all been considered and are covered within this report.

Responses to Feedback

- 10.38. The responses to the concerns raised are summarised as follows:-

- Everyone will be subject to a financial assessment and only those who have the ability to pay will be asked to make a contribution towards the cost of their care package.
- We will work with agencies to ensure that service users get their full benefit entitlements.
- Having listened to the concerns around the transitional arrangements we are now proposing an alternative process.
- Ongoing work between the Council and CNWL to improve Mental Health services.
- We will implement monitoring of usage of services.
- There will be a communication strategy to address any confusion.

Impacts of Change identified through EqIA

10.39. A full detailed Equalities Impact Assessment was carried out in relation to the Fairer Contributions Policy. This has incorporated specific concerns raised by Mental Health service users and their advocates, and mitigation to address those concerns. The full assessment is shown at Appendix B.

10.40. The key themes identified through the assessment are shown as follows:-

- People over 65 are higher users of the services than other age groups
- People with disabilities are higher users of the service than non disabled people
- If users stop using the service, this may have an adverse impact on Carers, who are more likely to be female.
- Those most likely to be affected are older persons and people with disabilities who are on middle incomes and have savings.

10.41. As there is the potential for the policy to have a disproportionate adverse impact on particular protected groups, the Council must have a justifiable reason for applying the policy and must consider mitigating measures. The objective justification for the policy proposal is set out in the EqIA as the need to deliver equitable services to vulnerable people within the financial resources available to the Council and the option to deliver services in an alternative way that is still in line with national guidance and more aligned to that of neighbouring councils.

10.42. The action plan has identified some mitigating measures that can be taken to lessen the impact. These include the following:-

- access to benefit advice through the Council and voluntary sector agencies
- continued monitoring in association with the Steering Group to measure any adverse impact
- implementation of a communications strategy to ensure people are aware of the changes and can seek advice
- ensuring the debt recovery policy for Adult Care is appropriate and aligned to the anti poverty strategy
- amendment to the transitional arrangements so that no backdating of contributions will be required for existing service users

Comparison to Other Local Authorities

- 10.43. A comparison has been made to fairer contributions policies implemented by the West London Alliance group and some other Local Authorities in London which are shown at Appendix C and Appendix D.
- 10.44. The main findings indicate that the proposed changes to the Fairer Contributions Policy at Harrow, in terms of criteria and level of contributions, is in line with what other local authorities have or are now proposing to implement:-
- Contributions for all services - all charge for Home Care, Day Care and Respite.
 - Removal of £250 per week Ceiling - 4 out of 5 have no maximum ceiling, 1 has maximum of £260 per week
 - Capital/Savings Tariff - all implement the tariff

Savings Summary

- 10.45. The Medium Term Financial Strategy assumed £500k of savings in a full year subject to consultation and was reflected in the Adult Services budget for 2011/12 and 2012/13. This comprised 2011/12 £125k, 2012/13 £375k.
- 10.46. The above savings were estimated making assumptions around the likely level of income anticipated following individual financial assessments.
- 10.47. The table below indicates the estimated savings applicable to the proposed introduction of the new Fairer Contributions Policy.

Policy Proposal	Estimated Savings (in full year)
Contributions for all services	£395,000
Removal of £250 ceiling	£61,000
Introduction of "tariff income"	£40,000
Total	£496,000

10.48. The report now proposes revised transitional arrangements that will only require existing service users, following completed care need and financial assessments, to make any revised contributions from 1st April 2012. As a result the savings anticipated in the current financial year will be generated by new service users only and are likely to significantly reduce the original savings in 2011/12 of £125k.

Recommendations

10.49. Following consideration of all of the feedback received during the consultation process it is the Officer's recommendations that the Council agrees to the following:-

- (i) Approve the Fairer Contributions Policy as annexed at Appendix A.
- (ii) Approve funding of the Adult Care Services consultation process of £117k from the corporate contingency budget.
- (iii) Approve funding for the implementation of the Fairer Contributions Policy transitional programme between November 2011 and March 2012 of £200k from the corporate Transformation & Priority Initiatives Fund.
- (iv) Implement the transitional programme between November 2011 - March 2012 with contributions, subject to financial assessment, for existing service users effective from 1st April 2012 and no backdating of charges.
- (v) Agree that contributions for new service users, subject to financial assessment, to be implemented immediately following agreement to their new support plan.
- (vi) Delegate authority to the Corporate Director of Adults & Housing in consultation with the Corporate Director of Finance and portfolio holders to review the corporate debt collection policy to ensure it is appropriate for Adult Care debt collection.

- (vii) Delegate authority to the Corporate Director Adults & Housing Adult Care management to develop a communication plan that ensures all service users are made aware of the content of the new Fairer Contributions Policy.

10.50. It should be noted that by agreeing to introduce new assessed contributions from 1st April 2012 for all existing service users, which avoids the issue of backdating of contributions being the main concern raised during the consultation exercise with service users, voluntary organisations and the Steering Group, this will specifically impact on the level of savings to be achieved during 2011/12.

Approach to Implementation

10.51. If a decision is made to introduce a new Fairer Contributions Policy the Council will need to have in place an implementation programme that ensures the new policy is fully operational by 1st April 2012.

10.52. An outline of the implementation programme is shown as follows :-

- Development of the Resource Allocation System to incorporate a transport element.
- Implementation of full care need assessment and financial assessment for all existing service users between November 2011- March 2012 with new assessed contributions effective from 1st April 2012.
- Assessed contributions for all new service users implemented immediately their support plan is agreed.
- briefings for Members and Staff.
- full care need assessment review.
- full financial assessment review.
- communication plan for staff and service users.
- Post implementation evaluation
 - numbers and types of services
 - weekly exception reporting
 - review for safeguarding purposes

11.0. Adult Social Care Transport Proposals

Existing Policy

11.1. A variety of transport options are available to support vulnerable people. These include Adult Social Care Transport, Blue Badges, Taxicards and Dial a Ride.

- 11.2. Currently when a person is assessed as needing Adult Social Care they are able to use the Adult Social Care Transport services to travel to community services at no cost regardless of their ability to travel independently or if they are in receipt of passes to access other forms of transport. Currently there are 256 services users accessing the Harrow Transport Service with a total of 1,280 journeys per week.

Proposed Policy

- 11.3. The Policy offers a range of transport options through Personal Budgets. The aim of Harrow's Adult Social Care Transport is to deliver an accessible transport service that promotes access to independence, choice and mobility for vulnerable residents. The current assessment will be extended to capture information on unmet travel needs and this will be reflected in the final agreed Personal Budget.
- 11.4. The Council will incorporate access to these transport service within the wider draft Fairer Contributions Policy and within the Council's approach to resource allocation. Transport needs will be incorporated into the overall care needs assessment process.
- 11.5. Further to feedback from the Pre Consultation the following changes were put to full consultation:
- (i) The introduction of additional needs assessment criteria to determine an individual's transport needs as part of the Resource Allocation System.
- 11.6. An outline of the care needs assessment adopted at Harrow is contained within the draft Fairer Contributions Policy shown at Appendix A.

Statutory Framework

- 11.7. There are various statutes placing duties and responsibilities on local authorities in relation to adult social care. If a person may have community care needs, a local authority is required to carry out an assessment to determine whether these needs call for the provision of services. Those services can include the provision or assistance with transport to and from a person's home for the purposes of participating in other community care services.
- 11.8. The Council has discretion as to whether it provides services to those with a presenting need and it is entitled to take local resources into account when making that decision.
- 11.9. The statutory guidance "Prioritising need in the context of Putting People First: A whole system approach to eligibility for social care" ("Prioritising need guidance") states that councils should consider their strategy for investing in a more universal approach, which prevents or delays the need for more specialised social care interventions and should where possible focus on early intervention and prevention.

Benefits of eligibility criteria for Adult Social Care Transport

11.10. The benefits of introducing new criteria into the care need assessment can be summarised as follows:-

- The introduction of an eligibility criteria based on need will ensure that people who have unmet needs will be able to access transport
- Helps to ensure financial sustainability of the service
- Those assessed in need will still be supported
- Achieves approximately £350k revenue savings in a full year

Consultation Feedback

Feedback from Service Users

11.11. There was a high level of concern with the proposed changes to Adult Social Care Transport and some said they didn't understand the proposals.

11.12. In face to face meetings, although concerns were raised regarding the eligibility to transport proposals the majority of people agreed there should be an eligibility criteria based on unmet need.

11.13. The key themes raised through the consultation process were:-

- Some felt this could stop people from accessing services.
- There was concern that if the Carer is ill or unavailable the service user would be unable to access their care.
- What about people whose needs fluctuate.
- Assessments need to be flexible and meet all needs however there.

Feedback from Voluntary Organisations

11.14. **Age UK Harrow** - Proposal to introduce a charge for transport will deter older people from using the service. This will have a detrimental effect on the quality of their life. Could result in social exclusion for elderly people living on their own and affect older carers who depend on day centres to give respite

Steering Group feedback

11.15. The Steering Group agreed with the proposals

- Harrow CAB support in principle but there is a need for flexibility within the criteria that allows assessments to consider exceptions
- The Steering Group liked that the policy considers all transport needs.

Responses to Feedback

11.16. The responses to concerns raised are summarised as follows :-

- Transport needs will be part of overall care needs assessment
- Each assessment will determine the unmet needs of an individual
- Assessment will facilitate maximising mobility options

Impacts of change identified through the EqIA

11.17. There was concern that some current users may not be able to access Adult Social Care Transport in the future and therefore not able to access services. Current users are more likely to be older people and people with disabilities, including physical, mental health and learning disabilities.

11.18. This proposal links with the changes to the charging policy and to the proposals for concessionary transport. Both these proposals have equality impact assessments. The recommendation is to delegate authority to the corporate director to determine the criteria for eligibility. When making that decision, an equality impact assessment will be carried out in order to ensure that any adverse impact is taken into account.

Savings Summary

11.19. The Medium Term Financial Strategy assumed £350k of savings in a full year subject to consultation and was reflected in the Adult Services budget for 2011/12 and 2012/13. This comprised £200k in 2011/12 less £100k implementation costs and £250k in 2012/13.

11.20. For the implementation of the proposed eligibility criteria for Transport it is more difficult to predict the number of service users who will continue to be eligible for an unmet need. As a result the savings anticipated in the current financial year will be generated by new service users only and are likely to significantly reduce the original savings in 2011/12 of £100k.

Recommendations

11.21. Following consideration of all feedback received during the consultation process it is the Officer's recommendations that the Council agree to the following:-

- (i) Delegate authority to the Corporate Director of Adults & Housing in consultation with the portfolio holder to determine criteria for eligibility to community transport based on the needs of the individual and maximising mobility options.
- (ii) Agree that the cost of community transport to be incorporated into the Resource Allocation System and ring fenced.
- (iii) Implement transitional arrangements to ensure that all existing service users continue to receive the service until 31st March 2012 at which time those, whose care need assessment has determined they are not eligible, will no longer receive the service.
- (iv) Agree that all new service users who, through their care need assessment are determined to be eligible for the service will be required to make a contribution towards the cost of their care immediately, subject to their financial assessment.
- (v) Delegate authority to the Director of Adults & Housing to develop a communications plan that ensures users understand how the assessments will be carried out for access to Adult Social Care Transport.

Approach to Implementation

11.22. Following Members decisions on the introduction of eligibility criteria an outline of the implementation programme is shown as follows:-

- Prepare questions for Resource Allocation System
- Communicate changes with service users and partner organisations
- Ensure criteria is included within a programme of care need assessments for all service users between November 2011 - March 2012
- Ensure transport options are available through Harrow's online market place service Shop4Support
- Post implementation evaluation

12. Meals on Wheels

12.1. The Harrow Meals on Wheels provides a service to approximately 260 people living in Harrow who meet the eligibility criteria. The current meals service caters for the diversity of Harrow's community, providing standard, Asian and Kosher meal options, which are either hot or frozen. All dietary requirements such as weight reducing, and diabetic meals are met and monitored through assessments.

- 12.2. The Meals on Wheels service goes beyond solely delivering meals, by also offering an effective preventative service to vulnerable people. The drivers are trained to alert agencies to any issues eg. poor health. They can also provide a welcome social interaction.
- 12.3. In 2010-2011 the cost of this service, excluding internal overhead charges, was £488,245 of which £314,939 was recovered from service users by way of meal charges. The Council subsidises the shortfall of £173,306. From April 2011 people who receive a hot meal are currently charged £4.65 and people who receive a frozen meal are charged £3.00.
- 12.4. The financial assessment carried out includes a basic living allowance which includes the cost of meals. The basic living allowance is reviewed each year by the Department for Work and Pensions and is normally increased in line with inflation. As a result service users pay for their meals based on the charges agreed by the Council, and are not subject to financial assessment for this service.
- 12.5. Further to the feedback from the Pre Consultation stage the following options were put to full consultation:

Option A: All users of the service are charged an equal amount, regardless of the cost of the meal. This would mean that everybody would be charged £6.47 for a meal.

Option B: All users of the service are charged the cost to the Council of the meal they receive. This would mean that the following charges would be made:

	Hot	Frozen
Standard	£5.67	£4.55
Kosher	£10.19	£9.76
Asian	£7.95	(not provided)

- 12.6. The costs of the meals would depend on the numbers of people using the service. Therefore if more people are using the service the costs will be lower but if the numbers reduce the cost of meals would rise.
- 12.7. In the past any price increases for Meals on Wheels have been considered as a part of the annual Council's inflation uplift. In future price increases will be based on recommendations contained within this report.
- 12.8. In addition to increasing charges the service is working to deliver efficiencies by:-
- Consolidation of Meals on Wheels kitchens
 - Review of resources
 - Review of Suppliers

Benefits of Proposals for Meals on Wheels

12.9. The benefits of the Meals on Wheels service are summarised as follows:-

- Ensures the service is sustainable
- Added value on prevention and safeguarding

Number of Service Users Affected

12.10. There are 259 people who currently use the service with the types of meals provided as follows:-

Type of Meal	No of People
Standard Hot	150
Standard Frozen	16
Kosher Hot	16
Kosher Frozen	23
Asian	54

12.11. In 2010/11 there were 73,422 meals provided, the majority of which were standard hot. At 31st March 2011, 149 (57.3%) of these service users were in arrears over 30 days with their invoices which totalled £34,600.

12.12. Since 2006/07 there has been an annual reduction in the number of meals provided to service users. In 2006/07 there were 131,497 meals provided compared to 73,422 in 2010/11, a reduction of £58,075 meals or 44%.

12.13. A £1 price rise per meal in 2007/08 saw meal numbers fall by 21.% and over the past two financial years, with modest price increases of 10p per meal, in 2009/01 and 2010/11 meal numbers have fallen by 8% and 9% respectively.

Statutory Framework

12.14. The Council has a discretionary power to charge for meals on wheels and the Fairer Charging Guidance states a low flat rate charge to all users can be justified, without applying a means test, as such charges substitute for ordinary living costs.

12.15. Therefore, there is no need to make an exemption for people on income support or job seekers allowance in relation to meals on wheels charges. When considering flat-rate charges councils should consider what a reasonable level of charge is by means of consultation.

Consultation feedback

Feedback from Service Users

- 12.16. The feedback from Service Users during the full consultation process included the following key themes:
- The majority of people who responded by feedback form chose Option B (users paying for the individual cost of the meal) however most of the respondents who responded were White British
 - A large proportion of respondents gave reasons of fairness behind choosing their option
 - Most respondents feel price increases are a disgrace, unfair and excessive
 - People felt that takeaways or other options would be cheaper
 - The Council would continue to have a duty of care if people stopped using the service
 - And it was recognised that this was a necessary service and for some people more than just a meal.
 - The Council should look at changing suppliers

Feedback from Voluntary Organisations

- 12.17. **Age UK Harrow** - Formal feedback was received from Age UK Harrow who supported Option A. However they felt that the Council should explore outsourcing the service and were concerned as the service provides a safety net for vulnerable people.

Feedback from Trade Union - Unison

- 12.18. Unison started a 'Dish up a fair deal' campaign during the formal consultation and 160 letters were received that agreed with the following key areas:-
- Price rise options will disproportionately hit the most vulnerable where many people on fixed/limited incomes
 - Costs are regressive and take no account of ability to pay
 - Costs discriminate against Asian and Jewish meal users
 - Risk of nutritional neglect if vulnerable choose to leave the service

- Harrow Labour group manifesto committed to protecting front line services - increase in chares could result in loss of excellent service
- Subsidise Meals on Wheels
 - Going ahead with planned efficiencies
 - Inviting new customers who are not eligible for social care to use the service
 - Advertise on shop4support

Feedback from Steering Group

12.19. The Steering Group feedback

- Agreed to look at options for the future delivery of the service
- Not in favour of a smaller price rise
- Issues raised regarding cumulative effect of the proposed changes for users of multiple services

Meals on Wheels Survey

12.20. The council recognised that many Meals on Wheels users would not engage in traditional engagement activity and therefore a survey was carried out with the users (delivered by the drivers) and face to face meetings were offered to users. The following are the key outcomes from the survey:

- 130 Users completed the survey
- 48% chose Option B and 38% Option A
- 18% of existing Meals on Wheels users said they would stop using the service

12.21. Users were concerned about the following issues:-

- Perceived unfairness of the proposals
- Potential cessation of the Meals on Wheels Service
- Ability to pay
- Excessive prices

Responses to Feedback

12.22. This area of the formal consultation caused the most concern for all stakeholders and led to Unison mounting a campaign against price increases which received over 160 responses.

12.23. As a result of this feedback it was considered that the potential cumulative impact of an increase in the cost of Meals on Wheels would have a detrimental affect on all users of the service.

12.24. The specific response to the feedback is summarised as follows :-

- Continue to work with the service to reduce overall costs but at the same time maintaining quality of meals
- Not to increase the cost of meal prices significantly
- Consider alternative ways of delivering the service

Impacts of Change identified through EqIA

12.25. A full detailed Equalities Impact Assessment was carried out in relation to the proposed changes to the prices of meals. The full assessment is shown at Appendix E.

12.26. The key themes identified through the assessment are shown as follows:-

- There could be disproportionate adverse impact on older people and people with disabilities, as these groups are higher users of the service.
- Higher costs of specialist meals will adversely affect people with religious or cultural dietary requirements, specifically those of the Jewish faith and Asian racial group
- If users stop using Meals on Wheels the Council may have to pay for alternative support for vulnerable adults, who are more likely to be older people and those with disabilities
- Reduction in numbers would increase unit costs for those users who have no other alternative and these users are more likely to be older people and those with disabilities
- Feedback has suggested the Council investigate outsourcing the service. This activity would put the jobs of members of staff delivering the service at risk. There is a higher level of women and people from racial groups in the work force in this area

12.27. As these proposals could disproportionately impact on particular protected groups, the Council must have a justifiable reason for implementing the policy and must consider mitigating measures. The justification behind the proposal relates to the objective to move the service to a cost recovery basis, therefore allowing the current subsidy to be used for other adult services supporting the most vulnerable.

12.28. In relation to mitigating measures, the action plan identified the following:-

- Charge a flat rate for all meals, regardless of differential in cost for specialist meals. As ingredients for specialist dietary meals cost more and there are less users, diseconomies of scale, mean these meals are more expensive based on actual cost recovery. It may be considered fairer to spread the cost across all the meals so that people choosing specialist meals for religious reasons are not disadvantaged.
- Continue to subsidise the service at a lower level than currently. This would mean a smaller increase in charges, but also a lower level of saving.
- Look at options for future development of the service to increase the number of users and thereby reduce the unit cost.
- ensuring the debt recovery policy for Adult Care is appropriate and aligned to the anti poverty strategy

Comparison to Other Local Authorities

12.29. A comparison of the Meals on Wheels service has been made with the West London Alliance Group which is shown at Appendix D.

12.30. The main findings are that, although prices of meals vary between the Local Authorities in the group, the prices of meals at Harrow are already higher for hot meals:-

Standard meal price for all meals	£2.80 - £4.10
Hot meals	£3.50 - £4.10
Frozen meals	£2.48 - £3.35
Specialist meals	not provided

12.31. The current price of meals provided by LB Harrow are £4.65 for Hot and £3.00 for frozen.

Savings Summary

12.32. Option A - Flat rate charge of £6.47 will generate savings of £173k per annum as estimated in the Medium Term Financial Strategy (MTFS).

12.33 Option B - charge individuals for the cost of the meals they receive will generate savings of £173k per annum as estimated in the MTFS.

12.34. Option C - to agree no increase in the price of meals for 2011/12. This will mean no savings achieved for Meals on Wheels for 2011/12 or 2012/13. Officers are continuing to manage down costs and generate income, where possible to reduce the resulting shortfall.

Recommendations

- 12.36. Following consideration of all the feedback received during the consultation process it is the Officer's recommendations that the Council agrees to the following:-
- (i) Delegate authority to the Director of Adults and Housing in consultation with the portfolio holder to continue to investigate ways of reducing the cost of providing the service whilst maintaining the quality of the meals.
 - (ii) To consider options A, B, and C as set out in paragraphs 12.32 - 12.34 of the report.
 - (iii) To agree to continue annual inflation factor uplift on meal prices based on the Council's inflation rate as a part of the overall budget setting process.
 - (iv) Delegate authority to the Director of Adults & Housing in consultation with the portfolio holder to develop a communication plan that ensures all service users are made aware of any changes made to the delivery of services and or prices.

Approach to Implementation

12.37. If a decision is made to increase prices for the Meals on Wheels service there will need to be in place an implementation plan which is shown as follows:-

- investigate options for future development of the service to deliver efficiencies
- communicate changes with service users and partner organisations
- continued monitoring of service viability
- Post implementation review
 - numbers of service users
 - weekly exception reports
 - review for prevention/safeguarding purposes

13.0. Concessionary Travel

Background

13.1. Harrow Council provides the following concessionary transport services for eligible residents:

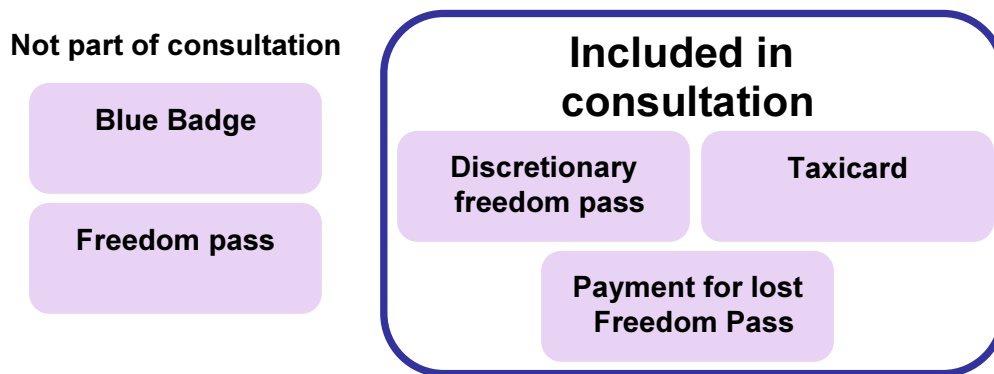
- **Freedom Pass:** The scheme allows free travel on buses, tube, national rail (London network), Docklands Light Railway (DLR) and Tramlink, for older and disabled people who reside in the Borough.
 - **Blue Badge:** The Blue Badge scheme gives free and dedicated parking close to amenities for drivers and passengers with mobility-related disabilities, or who are blind. Blue Badge holders are able to park on yellow lines for up to three hours and are also exempt from the central London congestion charge. A pass is valid for a 3-year period whereupon pass holders have to re-apply.
 - **Taxicard:** for people with serious difficulties with walking (including breathing problems and sight loss) to travel in taxis at reduced rates. The scheme in Harrow allows members to take a maximum of 104 trips per annum but this is currently the subject of consultation.
- 13.2. Before dealing with the outcomes of the consultation on this matter, Members are advised that various process changes have already been implemented which are contributing to both service improvement and savings.
- 13.3. These came about when in June 2010 Harrow Council undertook a Service Efficiency Review of Concessionary Travel in the Borough, covering the Freedom Pass, Taxicard and Blue Badge concessions. The Review identified a significant annual spend on concessionary travel and recognised that administrative processes were disjointed, with no 'single view' or co-ordination of overall service policy, or consistency in delivery.
- 13.4. The review considered Harrow's eligibility criteria to be out of date and 'generous' when compared to other boroughs. Where applications did not meet specified automatic criteria, the Council had historically relied on GP endorsement to determine eligibility, something that was wholly unsatisfactory according to the Department for Transport (DfT) guidance which strongly recommended that non-automatic cases were assessed by independent health professionals in order to maintain a consistent and appropriate response.
- 13.5. The review identified a lack of integrated data on residents who had more than one concession, and highlighted operational inefficiencies where Blue Badges, for example, were processed by six separate teams within the Council.
- 13.6. The review also highlighted the high level of Harrow's contributions to the London Taxi Card scheme and the inequitable subsidy received from TfL compared to other boroughs.
- 13.7. The pilot trial took place over a six week period from 21st June to 30th July 2010 as a 'virtual' and comparative process, in that the applications continued to be determined by the existing procedures and not by the outcome of the assessment.

- 13.8. During the six week pilot, 594 applications were referred, comprising 378 Blue Badge, 159 Disabled Person's Freedom Pass and 57 Taxicard. Of those that were able to be processed, 190 (39%) were approved and 302 (61%) refused. In particular, the pilot highlighted the significant variation between the approval/refusal decisions under the old process and those taken through the mobility assessment.
- 13.9. It was therefore imperative that process changes were made to address service delivery issues, improve customer service and ensure consistency of assessments. The following changes were introduced and are now in operation:
- (i) Procured and appointed a contractor "Access Independent" to carry out all mobility assessments to ensure consistency and improved customer experience
 - (ii) Designed and implemented a Single Assessment Form (SAF) for all 3 areas of concessionary travel simplifying application process
 - (iii) Introduced electronic version of SAF which is now live on Harrow's web site
 - (iv) Compiled and distributed to staff "the Officer's guidance" which is a comprehensive handbook / procedures manual so a consistent approach is adopted in assessments and staff have a manual explaining the guidance & criteria
 - (v) Compiled and published on web Harrow's interpretation of the National Criteria for Disabled Freedom Passes and Blue Badges as well as Harrow's local criteria for Taxi Cards
 - (vi) Introduced a formal Appeals process (via the mobility contractor) so any rejections are formally dealt with via qualified physiotherapists and within published timescales
 - (vii) Trained all relevant Access Harrow staff in the new process and procedures
 - (viii) Through the Customer Contact Assess & Decide (CCAD) project, centralised all concessionary travel work into Access Harrow, including Children's services Blue Badge work.
 - (ix) Through CCAD, updated the Adult Social Care business system Framework-I to ensure all types of concessionary travel events can be updated / captured and application forms scanned so records kept electronically.
 - (x) Reviewed all National Disabled Freedom Passes to ensure they complied with Department for Transport (DfT) guidance.

- 13.10. Centralisation has occurred ensuring correctly experienced and knowledgeable staff now consistently deal with day to day issues and are able to give authoritative advice on criteria and eligibility. This will additionally improve consistency of outcomes and speed up application times.
- 13.11 The introduction of the single assessment form simplifies the process and one form now deals with all 3 areas and asks all the questions necessary, negating the confusion and need to complete another form if more than one concession is applied for.
- 13.12. The new process also removes dependency on an applicant being required to be registered with Harrow's Disability Team (for a White Disability Card) which will result in less customers registering with that service, and by inference reduces workloads.
- 13.13. The service in effect will in future be easier to monitor and to manage effectively as accountability clearly now rests in one area of operations. This lends itself to quality sampling and checking and allows for pro-active corrections if assessments deviate from clarified and written down criteria interpretation.
- 13.14. The review of all National Disabled Freedom Passes (NDFP) also allowed us to transfer around 800 customers to Older Persons Freedom Passes (due to their age). This negates the need for our older residents from having to re-apply in future, as their age automatically qualifies them, and ensures they do not waste time and effort or worry needlessly about filling forms. The review also found that around 16% or approximately 500 cases did not qualify under the relevant National criteria which now require cancelling saving around £100k. This matter is alluded to later in the report as a decision will be required from cabinet.
- 13.15. Of relevance to the consultation proposals is also the fact that the above review also found that out of the 500 cases which were found not to be eligible for the NDFP, around 260 relate to mental health. Of these around 51 (or 20%) only would be approved under the new proposed Discretionary Freedom Pass (DFP) policy and would not therefore be cancelled if the new policy is adopted.

Proposed Policy Changes & Consultation outcomes

- 13.16. Concessionary travel was included in the formal Adults Consultation. The diagram below shows the areas that were included.



13.17. The views from the Pre Consultation period and the feedback from the Full Consultation have influenced and shaped the proposals in this report. The service has also worked extremely closely with the Social Care Action Group (SCAG) who have helped to develop and word the proposed eligibility criteria for access to Discretionary Freedom Pass and the other proposals in this report. The proposed policy changes are therefore set out below. Some of the concessions are a statutory entitlement under national schemes. However the Council has discretion to operate a local Freedom Pass scheme and to offer a Taxi card service to its residents. The consultation concentrated only on changes to the local discretionary schemes and the proposed changes relate to these discretionary local schemes only. Although the statutory schemes spend is much larger and could result in contributing higher savings, the Council has no jurisdiction to change statutory schemes operated under national guidance and is restricted to amendments only to schemes operated locally under discretionary powers.

With regards to the proposed charges for lost passes, this will apply to all passes; older persons, national disabled and discretionary Freedom Passes.

Discretionary Freedom Pass (DFP)

13.18. Eligibility to be restricted to people who meet the following mental health needs criteria and to very limited exceptional cases. Both are set out below:

Mental Health needs criteria – a mixture of the following could apply:

1. Receive Middle Rate Care component of Disability Living Allowance and,
Has a severe and enduring mental health illness lasting at least 12 months and where the condition leads to a serious impairment of social functioning and,
Has regular contact with a mental health professional, such as a Psychiatrist or key mental health worker, for example a Community Psychiatric Nurse (CPN) or is on a care programme approach (CPA) or
2. Requires a mental health day care or clinic two or more times a week, for which they would need a travel permit to attend, as

determined by a Community Mental Health Team worker, Psychiatrist or CPN. A requirement to attend a Mental Health Hospital for regulatory medication. These must be documented as a necessary therapeutic requirement, for example to access treatment, or to participate in therapy or recreational and/or educational activities in order to improve their mental health.

Exceptional case criteria needs:

- 3 Sufferers of chronic medical conditions exacerbated by physical activity, which will also then affect their mobility or to provide an essential escort for learning disability teens/adults where the disabled person has a Freedom Pass, and can use the bus but cannot travel alone due to cognition/orientation/safety reasons
- 13.19. The above means that if the policy is adopted, numbers may fall from around 1,888 to around 500-600 cases who would potentially still meet the above criteria. This would cater for around a similar number of mentally ill residents that currently receive a support care program from the mental health team so in effect the new policy would target those most in need.
 - 13.20. Officers have also sampled a number of cases, and from this we are aware that a number of users may have to be transferred to NDFP as applicants appear to have been issued the wrong pass type in the past. Taking that into account, it is estimated that around 800 to 1,000 DFP's would be cancelled which would provide savings of around £100k.
 - 13.21. Finally, the Pre Consultation options considered having no DFP scheme at all. This was however dismissed after taking into account feedback. The proposal, as it stands, is a compromise to ensure we do not continue to stand out in London as the Borough with the highest number of DFP's (and only 1 of 2 with over 1,000) ensure we reduce expenditure whilst maintaining a level of safeguarding for our critically mentally ill residents.
 - 13.22. The general principle to award a DFP under the above is that a person would suffer from social isolation because of their inability to get about. This includes the person not being able to drive and no members of their household, including a carer, parent or guardian, having access to a motor vehicle.
 - 13.23 Although there are no specific exceptions for severe adult sufferers of Aspergers Disorder, it is envisaged that if they can not qualify under the category [f], Learning Disability, under the national scheme for NDFP, consideration will be given to the worst affected under this criteria. This would address the concerns expressed by the consultation feedback that this condition was not being seen as a long term health condition.
 - 13.24. It is anticipated that numbers issued under this criteria will be minimal, around 10-40 only. Exceptional circumstances do not apply to residents of residential homes. The assessment will be solely on mobility and will not take into account compassionate or financial grounds.

Consultation Feedback

Feedback from service users

13.25. The feedback from Service Users during the full consultation process included the following key themes:-

- A high majority of people using feedback forms said that the eligibility criteria covered the key mental health and exceptional needs criteria
- At meetings there were concerns from people with mental health needs that they will not be able to access services
- People with mental health needs may not be able to access services, day centres and treatment and as a result could cause isolation
- There was some confusion with the Freedom Pass that is provided to older persons
- The eligibility criteria should include adults with Autistic Spectrum Disorder and Aspergers as long term health conditions
- Council has a duty not to discriminate
- People with mental health needs suffer enough
- Concern was raised regarding Blue Badge fraud

Feedback from Voluntary Organisations

13.26. **MIND in Harrow**

- Do not want to see Discretionary Freedom Passes cut to about half the current holders, as is likely but strongly support the eligibility criteria as will meet the need of those most at risk
- Discretionary Freedom Passes are essential to mental health service users as any other day support and there would be a significant impact on lives if they did not have one

13.27. **Age UK Harrow**

- Discretionary Freedom Passes - not a priority for older people however recognise there may be disadvantages to proposals for younger client group

13.28. Mind in Harrow also carried out a User Survey:-

- 137 completed surveys were received

- 90% reported loss of Discretionary Freedom Pass would make it more difficult or impossible to pursue therapeutic activities, training or educational opportunities

Establishing levels of entitlement for multiple services

13.29. The options below were consulted on.

- Applicants who hold both a Freedom Pass and Blue Badge will only be entitled to a Taxicard with a maximum allocation of 26 trips annually.
- Applicants who hold a Freedom Pass or a Blue Badge (but not both) will be entitled to a Taxicard with a maximum allocation of 52 trips annually.
- Applicants who do not hold a Freedom Pass or Blue Badge will be entitled to a Taxicard with a maximum allocation of 104 trips annually.
- Applicants who hold a discretionary Freedom Pass will not be entitled to a Taxicard and vice versa.

13.30. If agreed, the above will cut back the number of users and the number of trips taken by remaining users as well as restricting growth. This is necessary to produce savings and in order that spending does not escalate out of control.

Feedback from Service Users

- Many people said that 26 Taxicard trips was too low particularly for the following reasons:-
 - People who are unable to use their Freedom Pass because of illness
 - People in wheelchairs cannot always easily use public transport

13.31. We have listened to the consultation feedback. We were informed that the first option could adversely affect our younger and older users disproportionately as young disabled persons use the taxi scheme quite frequently for socialising or getting to day centres and older people extensively for going out in the evenings for safety reasons and due to concerns about crime at that time of the day.

13.32. We are also aware that although we have 5430 taxi scheme members, they made 82,540 trips in the last financial year averaging 15 trips per member. As such we suggest that there is some scope for compromise whilst still achieving the large proportion of the identified savings and suggest that Cabinet agrees to remove the first option from the proposed policy.

13.33. The proposed new policy should therefore read;

- (i) Applicants who hold either a Freedom Pass or a Blue Badge or both, will be entitled to a Taxicard with a maximum allocation of 52 trips annually.
- (ii) Applicants who do not hold a Freedom Pass or Blue Badge will be entitled to a Taxicard with a maximum allocation of 104 trips annually.
- (iii) Applicants who hold a Discretionary Freedom Pass will not be entitled to a Taxicard and vice versa.

13.34. The above would address the concerns expressed that there are users who still need to use the taxi card scheme quite frequently regardless that they may be eligible for other travel concessions. Increasing the minimum threshold for the number of trips to 54 rather than 26, considering that the average number of trips per member is only 15 per annum, decreases substantially the numbers of users affected.

13.35. Cabinet needs to be aware, however, that whilst we spend £791k currently on the scheme, if all users were to use the existing full allowance of 104 trips rather than the average of 15 per user, this could increase expenditure to £5.4m rather than the £791k. It is a low risk but a risk none the less.

Charge for replacing a lost/damaged Freedom Pass

13.36. This proposal will ensure that the actual cost of both the replacement pass and officer time is recovered saving around £40,000 per annum.

13.37. The proposed charge is £10.

13.38. One in eight residents requests a replacement pass each year. With 45,007 Older Persons and NDFP's in circulation, charging £10 for lost passes could save £40k annually.

Feedback from Service Users

13.39. The majority said that we should charge for lost passes.

13.40 Potential Savings Tables

PROCESS SAVINGS – Review of NDFP's		Number in circulation	Cost p.a.	Net Saving p.a.
Current issue		4,326	£886,556	£0
Savings 1	Cancelling those which have not qualified under review	494	£204.94	£101,240

Re:- NDFP, Cabinet will need to agree a date for the implementation of the cancellations for those cases which have been found not be eligible under the national scheme criteria. It is suggested that the implementation date should be in the following financial year.

POLICY SAVINGS – DFP		Number in circulation	Cost p.a.	Net Saving p.a.
Discretionary Freedom Passes		1,888	£386,927	£0
Savings 2	Cancelling those which will not have qualified under new policy – estimated	500	£204.94	£102,470

Re: - DFP, again Cabinet will need to agree an effective date of implementation for the cancellations if the new policy is adopted. It is suggested that this date is the 1st April 2013. This will give customers a long lead in period to the change and allows for a communication strategy that ensures the message is understood by all affected users as well as giving a practical period to re-assess up to 2,000 cases.

Policy Savings		Number of users & annual trips taken	Cost p.a.	Net Saving p.a.
Taxi Card Changes		5,430 & 82,540	£791,183	£0
Savings 3	Reducing eligibility and trips as per proposed policy resulting in reduction in Harrow's contribution to scheme – estimated, Plus reduced use of scheme due to its unattractiveness following changes in 2010/11	300 & 5,000		£60,000

13.41 As we have to inform London Councils each year of our intentions regarding changes to the Taxi Card Scheme, it is proposed that the effective date for changes is 1st April 2012. This coincides with the new year's budget allocation for the area and would ensure all scheme members would be informed in good time before changes are implemented and would ensure a full year saving for 2012/13.

Policy Savings		Number in circulation	Income Raised	Net Saving p.a.
Charging for Lost Passes		45,007		£0
Savings 4	Charging for replacing those 1 in every 8 passes that are lost	4,000	£10	£40,000

13.42 Again it is suggested Cabinet implement the above with effect from 1st April 2012. This coincides with the start of the new financial year, would allow sufficient time to communicate the charging policy to users and would ensure a full year income for 2012/13.

13.43. The above proposals are the recommended options and maximise the amount of savings over the periods mentioned. This option is also recommended by the Adults Consultation Steering Group. However, other options are also set out below although not recommended by the Steering Group.

Summary of Options

13.44. Members will need to choose from the following options:-

- (i) 1 Option from 1A & 1B
- (ii) 1 Option from 2A, 2B, & 2C
- (iii) Option 3C [or reject it]

Option 1A

Freedom Passes

13.45. **National Disabled Freedom Pass Review Outcome:**

Cancel those found not to comply with eligibility criteria with effect from 31/3/2012 but give a minimum of two months notice.

13.46. **Discretionary Freedom Pass:**

Adopt Freedom Pass criteria as set out below and implement immediately for new applications and review existing recipients with a view to effecting cancellations by 31/3/2012 for those not meeting new criteria.

13.47. Eligibility to be restricted to people who meet the following mental health needs criteria and to very limited exceptional cases. Both are set out below:

Mental Health needs criteria – a mixture of the following could apply:

1. Receive Middle Rate Care component of Disability Living Allowance & has a severe and enduring mental health illness lasting at least 12 months and where the condition leads to a serious impairment of social functioning & has regular contact with a mental health professional, such as a Psychiatrist or key mental health worker, for example a Community Psychiatric Nurse (CPN) or is on a care programme approach (CPA) or
2. Requires a mental health day care or clinic two or more times a week, for which they would need a travel permit to attend, as determined by a Community Mental Health Team worker, Psychiatrist or CPN. A requirement to attend a Mental Health Hospital for regulatory medication. These must be documented as a necessary therapeutic requirement, for example to access treatment, or to participate in therapy or recreational and/or educational activities in order to improve their mental health.

Exceptional case criteria needs:

3. Sufferers of chronic medical conditions exacerbated by physical activity, which will also then affect their mobility or to provide an essential escort for learning disability teens/adults where the disabled person has a Freedom Pass, and can use the bus but cannot travel alone due to cognition/orientation/safety reasons

Savings Summary

Savings over time	2012/13	2013/14	2014/15	2015/16
Savings 1 – NDFP cancelling those not eligible		Over 2 years	£50,000*	£50,000*
Savings 2 – DFP new policy		Over 2 years	£50,000*	£50,000*
			£100,000	£100,000

Option 1B

13.48. National Disabled Freedom Pass Review Outcome:

Transfer those found not to comply with eligibility criteria for the National Scheme to the Discretionary Freedom Pass and re-asses against the new Discretionary Freedom Pass policy cancelling any that do not qualify with effect from 31/03/13.

13.49. Discretionary Freedom Pass:

Adopt Freedom Pass criteria as set out in option 1 but implement only for new applicants therefore ensuring that existing recipients retain existing passes until they expire or until 31/3/2013 whichever is the earlier.

13.50. Choosing the above option rather than option 1 will delay £100k worth of savings by one year.

Savings Summary

Savings over time	2013/14	2014/15	2015/16	2016/17
Savings 1 – NDFP cancelling those not eligible		Over 2 years		£50,000
Savings 2 – DFP new policy		Over 2 years		£50,000
				£100,000

Option 2A

13.51. Establishing levels of entitlement for multiple services

Adopt new entitlement band levels and other conditions as set out below with effect from 1/4/2012.

Band A	Applicants who hold either a Freedom Pass or a Blue Badge or both, will be entitled to a Taxicard with a maximum allocation of 52 trips annually.
Band B	Applicants who do not hold a Freedom Pass or Blue Badge will be entitled to a Taxicard with a maximum allocation of 104 trips annually.
	Applicants who hold a Discretionary Freedom Pass will not be entitled to a Taxicard .

13.52 Current Discretionary Freedom Pass / Taxi card holders who have already been assessed and have qualified for both concessions to be offered choice of which one they wish to retain and the unwanted concession to be cancelled by 31/3/2012.

13.53 This option will realise £60k worth of savings in 2012/13.

Savings Summary

Savings over time	2012/13	2013/14	2014/15	2015/16
Savings 3 – Taxi Card entitlement	£60,000			
	£60,000			

Option 2B

13.54. Establishing levels of entitlement for multiple services

Adopt new entitlement band levels and other conditions as set out below with effect from 1/4/2012.

Band A	Applicants who <u>hold both</u> a Freedom Pass and a Blue Badge, will be entitled to a Taxicard with a maximum allocation of 26 trips annually.
Band B	Applicants who <u>hold either</u> a Freedom Pass or a Blue Badge, will be entitled to a Taxicard with a maximum allocation of 52 trips annually.
Band C	Applicants who <u>do not hold either</u> a Freedom Pass or

	Blue Badge will be entitled to a Taxicard with a maximum allocation of 104 trips annually.
	Applicants who hold a Discretionary Freedom Pass will not be entitled to a Taxicard .

13.55 Current Discretionary Freedom Pass / Taxi card holders who have already been assessed and have qualified for both concessions to be offered choice of which one they wish to retain and the unwanted concession to be cancelled by 31/3/2012.

13.56 Choosing the above option will realise a much smaller amount of savings than the £60k worth of savings in option 2A.

Option 2C

13.57. Establishing levels of entitlement for multiple services

Adopt new entitlement levels as set out below [existing arrangements]

Single Band	All Applicants will be entitled to a Taxicard with the maximum allocation of 104 trips annually, or the maximum amount of trips within the scheme if this is reduced from the current limit by London Councils, regardless that the applicant may already hold a Freedom Pass or Blue Badge.
	Applicants who hold a Discretionary Freedom Pass will not be entitled to a Taxicard.

13.58. Current Discretionary Freedom Pass / Taxi card holders who have already been assessed and have qualified for both concessions to be offered choice of which one they wish to retain and the unwanted concession to be cancelled by 31/3/2012.

13.59. Choosing the above option will not realise £60k worth of savings in 2012/13 and subsequent years.

Option 3C

Charge for replacing a lost/damaged Freedom Pass

From 1/4/2012	Charge £10 with effect from 1/4/2012.
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Savings Summary

Savings over time	2012/13	2013/14	2014/15	2015/16
Savings 4 – Charging for lost Passes	£40,000			
	£40,000			

Approach to Implementation

13.60. If the decision is made, the following options need to be considered:-

DFP Policy –

Apply to all new applicants from the date agreed by Cabinet

Review all existing recipients and cancel those not eligible under new criteria by 31st March of either 2012, 2013 or 2014, giving at least 3 months notice

Multiple Entitlement -

Implement from 1st April 2012 - London Councils needs notification of Scheme change

Cross reference DFP against Taxi cards and write to users who have both asking which one they wish to retain or give up from 1st April 2012

For NDFP or Blue Badges holders applying for Taxi Cards implement lower trip allocation for both existing and new applicants from 1st April 2012.

Charges for Lost Passes

Implement from 1st April 2012

Communications strategy - all users will be written to together with adverts in local press and on Harrow's website.

Responses to Feedback

13.61. The responses to the feedback are summarised as follows:-

- Implement monitoring of usage of service
- Improved numbers of Taxi Card usage for people who have Freedom Passes
- Passes and Blue Badges
- Communications campaign publicising the proposed changes and also publicising the cost of the various passes, to encourage people to only apply for passes if they are going to use them.

Impacts of Change identified through EqIA

13.62. A full detailed Equalities impact assessment was carried out in relation to the proposed changes to Concessionary Travel. The full assessment is shown at Appendix F.

13.63. Some current users will not be eligible if new criteria are introduced:-

- People with mental health needs who currently have a Discretionary Freedom Pass are likely to be disproportionately adversely affected as they may not be eligible if the proposals are agreed

- People with Autism and Aspergers Disorder have concerns that new criteria will limit their transport options
- Reduction in number of Taxi Card trips is likely to disproportionately adversely impact on people with a disability who do not drive or who are unable to use public transport
- Restriction on entitlement to Taxicard for holders of other passes or Blue Badge may disproportionately impact on younger disabled people who use the Taxicard to attend clubs in the evening and older people who use the Taxicard to go to lunch clubs etc during the day. Women may also be adversely impacted as they are more likely to use Taxicards instead of public transport due to safety concerns.
- Charging for lost/damaged freedom passes could impact users of the service who have low incomes and are more likely to be older people or people with disabilities.

13.64. As the proposals could have a disproportionate impact on particular protected groups, the Council must have a justifiable reason to made the decision and consider what mitigating measures it could make.

13.65. The action plan has identified the following mitigating measures:

- Communications strategy
- Monitoring impact in conjunction with Steering Group
- Increasing the minimum number of Taxicard trips to 52
- Giving at least 2 months notice to those who will no longer be eligible

Comparison to Other Local Authorities

13.66. Comparisons have been made with the West London Alliance:-

Ealing

13.67. Consultation complete and implementation in progress.

- Existing card holders are being given a new banded trip limit for the current year, based on previous level of use.
- Rolling review of existing members to assess eligibility and assign a new trip limit
- New members will be given 26/52/104 trip banding, linked to ability to use public transport and car accessibility

Brent

13.68. Options that have been consulted on and which is now being reviewed are:-

- Reduce Taxicard trip allocation by half for all
- Keep current Taxicard allocation if Freedom Pass surrendered
- Remove double swiping

Hammersmith and Fulham

13.69 Hammersmith and Fulham has changed their user charges and entitlement is currently under review, but no structured proposal as yet

Hounslow

13.70 Hounslow are working on an EIA for a meeting next week to discuss options but no structured proposal as yet

Barnet

13.71 Under review but less concerned as London Councils manage Taxi Card for Barnet and recent drop in usage has taken pressure off

Number of Discretionary Freedom Passes

Borough	No of DFP
Harrow	1888
Camden	1150
Westminster	1145
Lambeth	720
Waltham Forest	537
Lewisham	492
Barnet	0
Hillingdon	2
Ealing	9
Hounslow	3
Brent	257

14. Legal implications

14.1. The statutory framework for each proposal is set out in the main report.

14.2. Councils have legal requirements to live within their means, and as such it would be unlawful to spend more money in a financial year than has been allocated. As such, as a result in the reduction of funding, the Council has to plan for substantial reductions in particular service areas. When making these decisions, the Council must take account of its public law duties as well as the specific legislative requirements for the service in question.

14.3. In determining service provision, local authorities are obliged to consider their overarching statutory duties. The Prioritising Needs guidance makes specific reference to the equality duties, stating that "equality should be integral to the way in which social care is prioritised

and delivered, allowing people to enjoy quality of life and to be treated with dignity and respect.”

Equality duties

- 14.4. Section 149 of the Equalities Act 2010 created the public sector equality duty. Section 149 states:-
- (1) A public authority must, in the exercise of its functions, have due regard to the need to:*
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.*
- 14.5. When making decisions in relation to service provision and in particular changing charging policies and eligibility criteria, the Council must take account of the equality duty and in particular any potential impact on protected groups.
- 14.6. EqIA's have been completed to indicate the impact of proposals on particular groups and any mitigating measures that can be taken. A summary of the results is included in the report and copies of the EqIAs are included as appendices B, E and F. The Council must also take account of other material such as press reports and consultation results to determine whether there is a potential positive or negative impact on a specific individual or group of individuals and if so, what mitigating measures can be taken to address this.
- 14.7. When making decisions on charging and service provision, the Council must take account of all relevant material, including financial resources, consultation responses and potential equality impact in order to reach a decision. This report presents a number of options and the financial implications of each option. However, this does not preclude Cabinet from determining that another option is the most appropriate way forward. In an extreme case, if Cabinet felt that the severity of the impact of the proposed options on particular groups of individuals was such that none of the options are appropriate and that additional resources are required to fund these services, then it should refer the matter up to full Council with a recommendation that further spending resources be allocated to the Directorate (either from Council reserves or from other budgets).

Consultation

- 14.8. The statutory guidance on charging policies requires the Council to consult on any proposed changes. In addition the Council's Consultation Charter states that the Council will consult on decisions which will have a significant impact on an individual's life. The Council undertook a major stakeholder consultation exercise to ensure that

existing and future users, carers, staff and voluntary bodies have opportunities to comment on the proposals.

- 14.9. Details of the consultation responses have been set out in the main report and copies of all consultation responses are available as background information. Case law has confirmed that when determining whether to change service provision or introduce charging, the Council must be receptive to reasonable arguments against the proposals, however this does not simply involve a head count of those for and against the proposals. It is common for the most vociferous response to come from those affected by the proposals and in the case of increased charging, will not be surprising if the majority of users are against the proposal. The Council must of course take these views into account, however just because a majority of the respondents to consultation do not agree with the proposals does not mean that Cabinet is not able to decide to introduce charging if justified for proper policy reasons.

15. Financial Implications

- 15.1. The costs of full consultation, and implementation of these proposals are expected to cost the Council £317k. This is anticipated to be funded by bids from the Corporate Contingency Budget and the Transformation and Priority Initiatives Fund. Of this amount £117k relates to the costs of consultation and £200k to enable care need and financial assessments to be carried out to support the revised proposals for implementation for existing service users from 1st April 2012.
- 15.2. As part of the budget setting process for 2011/12, the Council assumed additional income of £400k in 2011/12 and a further £645k in 2012/13 could be generated by the proposals. However given that this was subject to full consultation and so as not to predetermine the outcome of the process, it was agreed that the first call on the contingency provision would be any shortfall on the introduction of the proposals. The impact of the revised proposals on the amounts included in the original budget has been included in the relevant sections above but there is likely to be a required level of funding from the Council's contingency provision for implementation.
- 15.3. It was originally anticipated that Cabinet would consider the proposals in September 2011, and that the transitional arrangements would allow for the backdating of charges. In responding to feedback, in particular around the charges for meals and transitional arrangements, the savings identified in 2011/12 will be significantly reduced.
- 15.4. The detailed analysis of the proposals is contained in the relevant sections in the main body of the report.

16. Performance Issues

- 16.1. The introduction of the fairer contributions policy and the changes to adult transport, meals and concessionary travel could to reduce the numbers of people who use Harrow Adult Social Care services. Means testing will ensure that those without the means to pay will not be disadvantaged. However, there will still be an impact for those who have the means but decide not to take up services where charging is introduced. As detailed above, the negative impact on service users is being minimised through engagement and communication with service users and carers. This will be particularly important to prevent people cancelling services unnecessarily, e.g., where they would continue to benefit from subsidised support.
- 16.2. Performance data is changing with a greater focus on quality, but there still remain collections that focus on numbers of users receiving services such as Personal Budgets.
- 16.3. The greatest risk to performance is through measures that come from surveys of service users and carers. National and local surveys measure a range of factors including satisfaction with services. It is likely that in the short term there will be a negative impact on satisfaction for those who are affected by the changes. This could be affected by the changes proposed in this report.
- 16.4. The mitigation of this negative impact is to keep service users and carers informed and to carefully explain the reasons for the changes, with an emphasis on providing services in an equitable way, while continuing to meet the needs of the most vulnerable people in the community. Arrangements will be put in place to closely monitor the effects of the changes and to act upon any negative impact. It will be particularly important to measure any changes to safeguarding alerts and to ensure that channels remain open to service users and self-funders.

17. Environmental Impact

- 17.1. In general, the above proposals will have a minimal environmental impact. The review of the Meals on Wheels service may allow some reductions in carbon emissions from both the food preparation and the transport aspects. These will need to be evaluated during the review.

18. Risk Management Implications

Issue	Risk	Possible Solution
People Stop Using Services	1.Prevention and Safeguarding 2. Potential closure of services	Close monitoring of service usage to understand reasons why people stop using services.
Services Users potentially pushed into	1. Vulnerable service users well being	Monitor collection of revenue to identify

Issue	Risk	Possible Solution
debt	2. potential loss of budgeted revenue	early intervention.
Dependent on decisions savings may not be achieved	Savings not made for Community Based Services will need to be identified elsewhere.	Could be funded by the Corporate Contingency Budget and the Transformation and Priority Initiatives Fund
Ignoring consultation and feedback.	1. Impacts on Council's image and credibility. 2. Savings will need to be found from elsewhere which may require further consultation.	Take into consideration feedback from consultation when making decisions.

19. Equalities implications

19.1. The EqIA's were developed and reviewed throughout the consultation process in partnership with members of the Steering Group and have been attached as Appendices to this report.

19.2. The impacts that have been identified are included within the body of the report aligned to the relevant proposal for proposed change.

Section 3 - Statutory Officer Clearance

Name: Julie Alderson	<input checked="" type="checkbox"/>	Chief Financial Officer
Date: 27 September 2011		
Name: Sarah Wilson	<input checked="" type="checkbox"/>	on behalf of the Monitoring Officer
Date: 27 September 2011		

Section 4 – Performance Officer Clearance

Name: David Harrington	<input checked="" type="checkbox"/>	on behalf of the Divisional Director Partnership, Development and Performance
Date: 27 September 2011		

Section 5 – Environmental Impact Officer Clearance

Name: Andrew Baker



on behalf of the
Divisional Director
(Environmental
Services)

Date: 27 September 2011

Section 6 - Contact Details and Background Papers

Contact: Carol Yarde - Head of Adults and Housing Transformation Ext 5660

Background Papers:

Consultation Documents

Adult Social Care Demographic Profile

Home Care Outstanding Debt (wk 5-8) 2011

Meals on Wheels Demographic Profile

Meals on Wheels prices vs reduction in service

Meals on Wheels Aged Debt Profile 2007-2011

National & Local Criteria for Disabled Freedom Passes and Blue Badges

Analysis of National Disabled Pass Review

Budget 2011/12 and Medium Term Financial Strategy

**Call-In Waived by the
Chairman of Overview
and Scrutiny
Committee**

NOT APPLICABLE

[Call-in applies]