

Public Document Pack

Executive Member Decisions

Friday, 22nd March, 2019

AGENDA

1. **Proposal of Traffic Regulation Order - Prohibition of Driving - Various Streets (Mosley Walk previously experimental to permanent)**
EMD - Mosley Walk POD exp to perm **2 - 11**
Appendix 1 schedule
Appendix 2 Plan
Appendix 3 DF Mosley Walk POD EXP
EIA Mosley Walk POD exp to perm

2. **Adult Social Care Provider Fee uplifts for the 2019/20 Financial Year**
EMD - ASC Fees Uplift 2019-20 **12 - 25**
EIA - Adult SC fees uplift 2019-20

Date Published: 22nd March 2019
Harry Catherall, Chief Executive

EXECUTIVE MEMBER DECISION



REPORT OF: Executive Member for Regeneration

LEAD OFFICERS: Director of Environment and Operations

DATE: 16th January 2019

PORTFOLIO/S AFFECTED: Regeneration

WARD/S AFFECTED: Ewood

SUBJECT: Proposal of Traffic Regulation Order – Prohibition of Driving – Various Streets

1. EXECUTIVE SUMMARY

To inform the Executive Member for Regeneration of the proposal to introduce an experimental Traffic Regulation Order as detailed below and seek approval to make it:-

Proposed point closures using a Prohibition Of Driving restriction.....Mosley Walk at its junction with Hall Street (both sides), Abraham Street at its junction with Infirmary Street and Hall Street to the south of its junction with Bankside, Blackburn

2. RECOMMENDATIONS

That the Executive Member:

Authorise the Director of HR, Legal & Governance to advertise the making permanent of a previously experimental Traffic Regulation Order as per the attached schedule.

3. BACKGROUND

As a result of the identification of a need for point closures, an experimental order was introduced as detailed in the summary above. The order has been operating since 28th December 2017 and we are now in a position to make the order permanent. For background details please see previous report (appendix 3)

4. KEY ISSUES & RISKS

No risks arising from this proposal have been identified. The proposal is of benefit to the social and economic well being of the Borough.

5. POLICY IMPLICATIONS

The proposal to make and revoke Traffic Regulation Orders requires delegated approval from the Executive Member for Regeneration and Chief Officer. Traffic Regulation Orders are required to be published in the local press and on site to comply with the Road Traffic Regulations Act 1984. Directly affected properties are consulted in line with current procedure.

6. FINANCIAL IMPLICATIONS

The cost of making and advertising this Traffic Regulation Order will be approximately £2,000 and will be funded from the LTP Infirmity area review allocation.

7. LEGAL IMPLICATIONS

The necessary legal powers to implement this scheme are within the Road Traffic Regulations Act 1984. Members of the public were given the opportunity to object or comment on the proposal during the first six months of operation of the experimental order.

8. RESOURCE IMPLICATIONS

None

9. EQUALITY AND HEALTH IMPLICATIONS

Please select one of the options below. Where appropriate please include the hyperlink to the EIA.

Option 1 Equality Impact Assessment (EIA) not required – the EIA checklist has been completed.

Option 2 In determining this matter the Executive Member needs to consider the EIA associated with this item in advance of making the decision. *(insert EIA link here)*

Option 3 In determining this matter the Executive Board Members need to consider the EIA associated with this item in advance of making the decision. *(insert EIA attachment)*

10. CONSULTATIONS

Members of the public will be given the opportunity to object to or comment on the proposal during the first six months of operation of the experimental order. No comments have been received.

11. STATEMENT OF COMPLIANCE

The recommendations are made further to advice from the Monitoring Officer and the Section 151 Officer has confirmed that they do not incur unlawful expenditure. They are also compliant with equality legislation and an equality analysis and impact assessment has been considered. The recommendations reflect the core principles of good governance set out in the Council's Code of Corporate Governance.

12. DECLARATION OF INTEREST

All Declarations of Interest of any Executive Member consulted and note of any dispensation granted by the Chief Executive will be recorded and published if applicable.

VERSION:	1
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CONTACT OFFICER:	Tammy Rehman
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DATE:	16 th January 2019
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BACKGROUND	Appendix 1 - schedule
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PAPER:	Appendix 2 - plan Appendix 3 – Executive Member Decision Form relating to the previous experimental order
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SCHEDULES

Prohibition of Driving

Street	Side	Location
Mosley Walk	North East	From the north eastern kerb line of Hall Street for a distance of approximately 5 metres in a north easterly direction.
Mosley Walk	South West	From the south western kerb line of Hall Street for a distance of approximately 5 metres in a south westerly direction.
Hall Street		From a point approximately 15 metres south east of the centre line of Bankside for a distance of approximately 5 metres in a south easterly direction.
Abraham Street	North East	From the north eastern kerb line of Infirmary Street for a distance of approximately 5 metres in a north easterly direction.



Prohibition of Driving

KEY

REET
123.8m

IVY STREET

WALSH STREET

INFIRMERY STREET

LEACH STREET

HALL STREET

ABRAHAM STREET

VALE STREET

WARWICK ROAD

WARWICK CLOSE

IVY CLOSE

BANKSIDE

Warwick Court

Health Centre

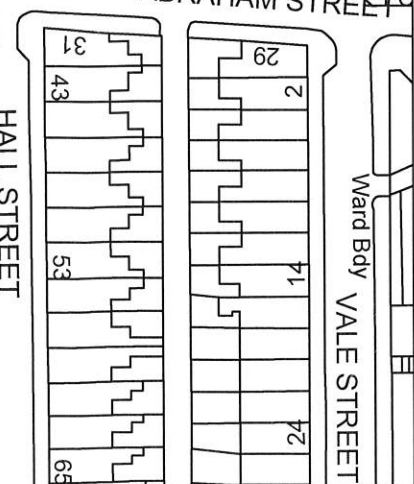
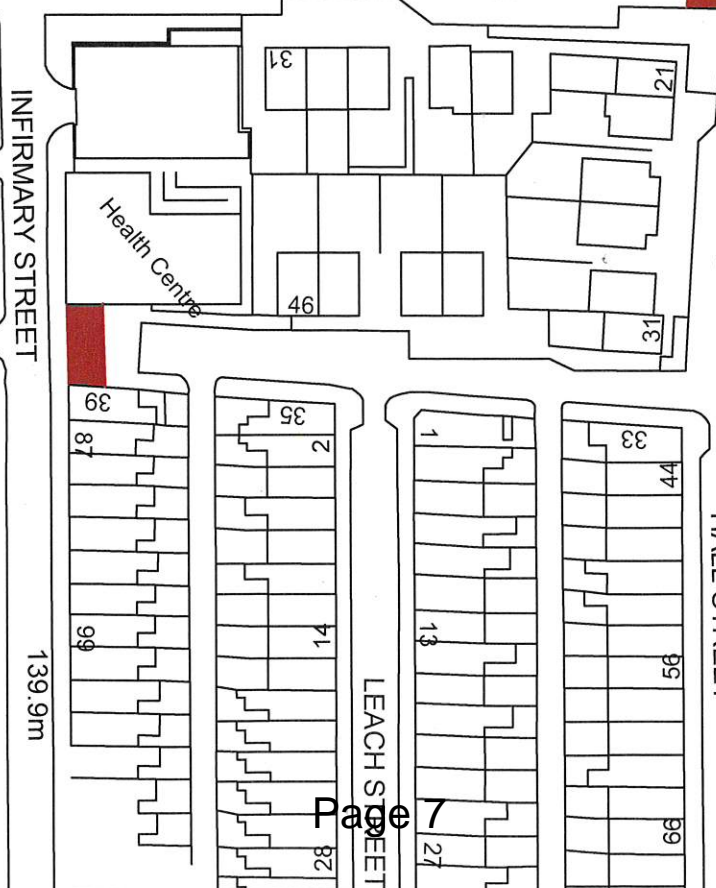
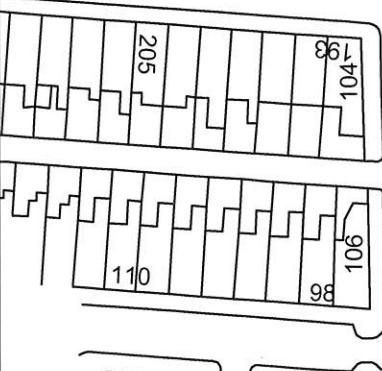
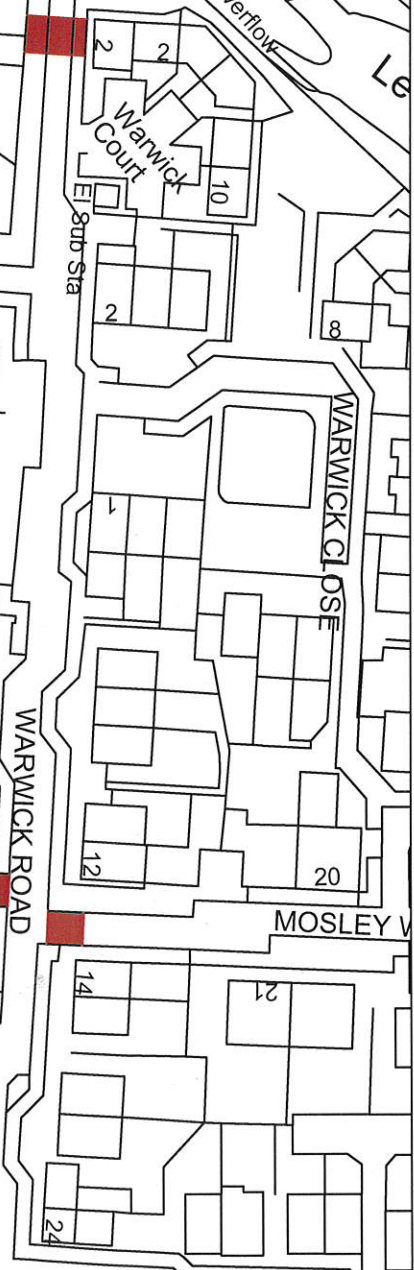
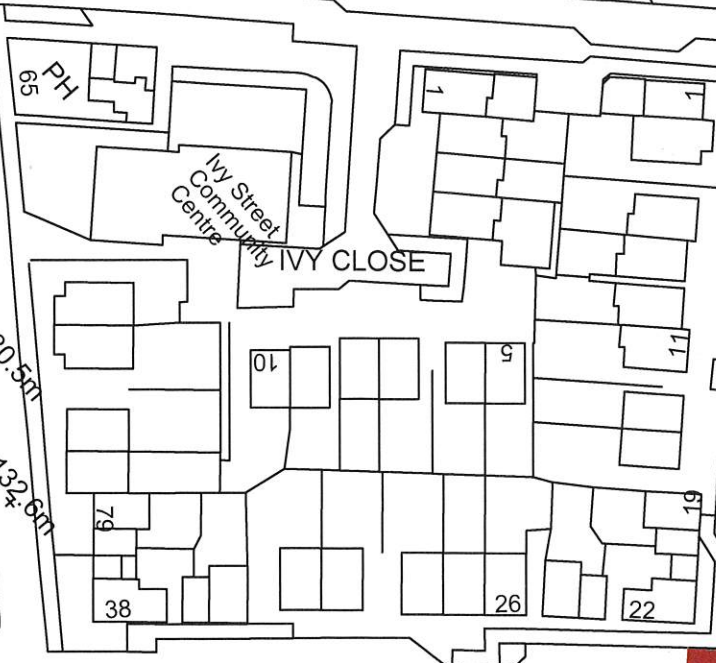
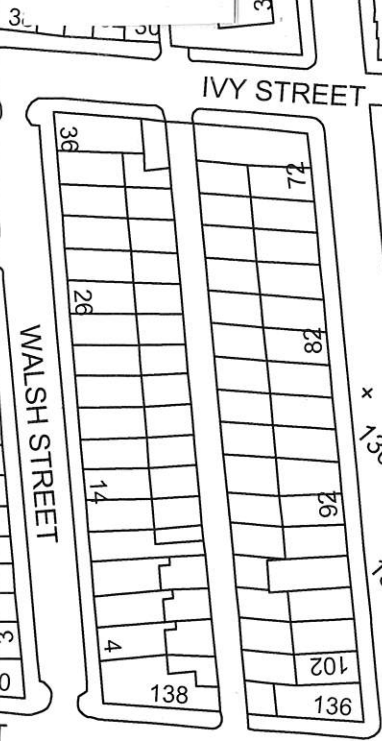
Hall Street Bridge

Lock No 3 Overflow

19.8m Basin

CC

Ward Bdy



EXECUTIVE MEMBER DECISION



REPORT OF: Executive Member for Regeneration

LEAD OFFICERS: Director of Growth and Development

DATE: 12th October 2017

PORTFOLIO/S AFFECTED: Regeneration

WARD/S AFFECTED: Ewood

SUBJECT: Proposed Experimental Prohibition of Driving –Various Streets , Ewood Ward

1. EXECUTIVE SUMMARY

To inform the Executive Member for Regeneration of the proposal to introduce an experimental Traffic Regulation Order as detailed below and seek approval to make it:-

Proposed point closures using a Prohibition Of Driving restriction.....Mosley Walk at its junction with Hall Street (both sides), Abraham Street at its junction with Infirmary Street and Hall Street to the south of its junction with Bankside, Blackburn

2. RECOMMENDATIONS

That the Executive Member:
Authorise the Director of HR, Legal & Corporate Services to make and advertise the Experimental Traffic Regulation Order as per the attached schedule.

3. BACKGROUND

In response to road safety and traffic management concerns raised by the community and local ward members an engineering review recommends point closures at the location listed in the executive summary in order to discourage through-traffic from traversing the Home Zone.

4. KEY ISSUES & RISKS

No risks arising from this proposal have been identified. The proposal is of benefit to the social and economic well being of the Borough.

5. POLICY IMPLICATIONS

The proposal to make and revoke Traffic Regulation Orders requires delegated approval from the Executive Member for Regeneration and Chief Officer. Traffic Regulation Orders are required to be published in the local press and on site to comply with the Road Traffic Regulations Act 1984. Directly affected properties are consulted in line with current procedure.

The proposal meets the requirements of the Traffic Management Act 2004 in managing the expeditious movement of traffic on the highway network.

6. FINANCIAL IMPLICATIONS

The cost of making, advertising and implementing this Traffic Regulation Order will be approximately £20,000 and will be funded from the LTP Infirmity area review allocation.

7. LEGAL IMPLICATIONS

The necessary legal powers to implement this scheme are within the Road Traffic Regulations Act 1984. The advertising of the proposals will enable comments/objections and suggestions on how the experimental order may be improved through variation from members of the public as well as relevant Council highway officers.

Experimental orders are predominately to provide the Highways Authority with a proper period of time to test the effects of a traffic order. An experimental order enables the impact of the new restrictions to be examined and potentially minor changes made to address unforeseen issues more readily. For an experimental order the objection period is 6 months which actually allows people to raise any objections or recommendations they may have with knowledge of how the restriction really works. Hence the recommendation for the review after 6 months is a reasonable and appropriate requirement although additionally the recommendation could be to continue with the experimental order for a further period if it was considered necessary. The order could actually be modified sooner than the initial 6 months depending on how it was operating and the interim objections and feedback that was being received.

The experimental period will allow the Council to make necessary adjustments although it should be noted that every time an experimental order is modified, the 6 month objection period starts again.

8. RESOURCE IMPLICATIONS

None

9. EQUALITY AND HEALTH IMPLICATIONS

Please select one of the options below. Where appropriate please include the hyperlink to the EIA.

Option 1 Equality Impact Assessment (EIA) not required – the EIA checklist has been completed.

Option 2 In determining this matter the Executive Member needs to consider the EIA associated with this item in advance of making the decision. (*insert EIA link here*)

Option 3 In determining this matter the Executive Board Members need to consider the EIA associated with this item in advance of making the decision. (*insert EIA attachment*)

10. CONSULTATIONS

Members of the public will be given the opportunity to comment on the Experimental Order during the first 6 months from its implementation.

11. STATEMENT OF COMPLIANCE

The recommendations are made further to advice from the Monitoring Officer and the Section 151 Officer has confirmed that they do not incur unlawful expenditure. They are also compliant with equality legislation and an equality analysis and impact assessment has been considered. The recommendations reflect the core principles of good governance set out in the Council's Code of Corporate Governance.

12. DECLARATION OF INTEREST

All Declarations of Interest of any Executive Member consulted and note of any dispensation granted

by the Chief Executive will be recorded and published if applicable.

VERSION: 1

CONTACT OFFICER:	Tammy Rehman/Chris Pearson
DATE:	12 th October 2017
BACKGROUND PAPER:	Appendix 1 Plan Appendix 2 Schedule

EQUALITY IMPACT ASSESSMENT CHECKLIST

This checklist is to be used when you are uncertain if your activity requires an EIA or not.

An Equality Impact Assessment (EIA) is a tool for identifying the potential impact of the organisation's policies, services and functions on its residents and staff. EIAs should be actively looking for negative or adverse impacts of policies, services and functions on any of the nine protected characteristics.

The checklist below contains a number of questions/prompts to assist officers and service managers to assess whether or not the activity proposed requires an EIA. Supporting literature and useful questions are supplied within the [EIA Guidance](#) to assist managers and team leaders to complete all EIAs.

Service area & dept.	Traffic	Date the activity will be implemented	20/02/2019
Brief description of activity	Proposed Traffic Regulation Order - Prohibition of Driving - Various Streets		


Answers favouring doing an EIA	Checklist question	Answers favouring not doing an EIA
<input type="checkbox"/> Yes	Does this activity involve any of the following: - Commissioning / decommissioning a service - Change to existing Council policy/strategy	<input checked="" type="checkbox"/> No
<input type="checkbox"/> Yes	- Budget changes	<input checked="" type="checkbox"/> No
<input type="checkbox"/> Yes	Does the activity impact negatively on any of the protected characteristics as stated within the Equality Act (2010)?	<input checked="" type="checkbox"/> No
<input type="checkbox"/> No <input type="checkbox"/> Not sure	Is there a sufficient information / intelligence with regards to service uptake and customer profiles to understand the activity's implications?	<input checked="" type="checkbox"/> Yes
<input type="checkbox"/> Yes <input type="checkbox"/> Not sure	Does this activity: Contribute towards unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act <i>(i.e. the activity creates or increases disadvantages suffered by people due to their protected characteristic)</i>	<input checked="" type="checkbox"/> No
<input type="checkbox"/> Yes <input type="checkbox"/> Not sure	Reduce equality of opportunity between those who share a protected characteristic and those who do not <i>(i.e. the activity fail to meet the needs of people from protected groups where these are different from the needs of other people)</i>	<input checked="" type="checkbox"/> No
<input type="checkbox"/> Yes <input type="checkbox"/> Not sure	Foster poor relations between people who share a protected characteristic and those who do not <i>(i.e. the function prevents people from protected groups to participate in public life or in other activities where their participation is disproportionately low)</i>	<input checked="" type="checkbox"/> No
FOR =0	TOTAL	AGAINST =6

Will you now be completing an EIA?

Yes

No

The EIA toolkit can be found [here](#)

Assessment Lead Signature	
E&D Lead Signature	Gwen Kinloch
Date	16/01/2019

EXECUTIVE MEMBER DECISION



REPORT OF:	Executive Member for Health and Adult Social Care Executive Member for Resources
LEAD OFFICER:	Director of Adult Services and Prevention (DASS)
DATE:	15 March 2019

PORTFOLIO/S AFFECTED:	Health and Adult Social Care
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WARD/S AFFECTED:	All
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KEY DECISION:	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
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SUBJECT: Adult Social Care Provider Fee uplifts for the 2019/20 Financial Year

1. EXECUTIVE SUMMARY

Blackburn with Darwen Borough Council commissions support for over 2300 local adults and older people with eligible social care needs, per annum. The majority of commissioning relates to external care and support services provided by independent sector providers and the voluntary, community, faith and charitable sector. The net commissioning budget for these services is currently £38.9m for 2018-19, and is subject to large scale pressures that have been well documented nationally due to increasing demand for services, rising costs and the impact of austerity. This report sets out the rationale, financial context and analysis underpinning the award of rate uplifts to external providers for the 2019-20 financial year, in order to meet rising costs associated with increases in the National Living Wage.

Blackburn with Darwen Finance Council resolved on 25th February 2019 to delegate authority for the agreement of hourly rates and contract changes for social care providers for 2019/20 to the Executive Member for Health and Adult Social Care, in consultation with the Executive Member for Resources.

2. RECOMMENDATIONS

That the Executive Member:

1) Agrees to a percentage increase in fees for the following services:

- Residential and nursing care, fee increase of 2.9% effective from 22 April 2019
- Older People and Physical Disability Domiciliary Care, framework fee increase of 4.85% effective from 1 April 2019
- Shared Lives, fee increase of 2.2% in line with CPI effective from 22 April 2019
- Learning Disability/Mental Health Domiciliary Care, fee increase of 2.9% effective from 1 April 2019
- Supported Living Providers, fee increase of 4% effective from 1 April 2019

2) Further agrees that:

- Direct Payments, no change to current rate however if a recipient is no longer able to meet their needs within the current budget, the necessary adjustments will be made on an individual basis. Similarly, if a person's needs change within the year, their scheduled review will be brought forward and their support plan and personal budget adjusted accordingly.

3) Further agrees that:

- The Extra Care schemes that are commissioned on a purely block contract basis will not receive an automatic uplift pending the forthcoming tender process due to be commenced within quarter two of the new financial year. For the new scheme model that is tied to the domiciliary framework an increase of 4.85% will be applicable.

3. BACKGROUND

The Finance Council meeting of 25th February 2019 recommended that delegated authority be given to the Executive Member for Health and Adult Social Care, in consultation with the Executive Member for Resources, to agree the hourly rates and contract changes with social care providers in 2019/20, applicable from April 2019.

The Autumn statement announced an increase in the National Living Wage of 4.85% from £7.83 per hour to £8.21 (an increase of £0.38 per hour) with effect from 1st April 2019 (for workers aged 25 and above).

The increase in NLW has a significant impact on our external social care providers, including residential and domiciliary care. The commissioning budgets included in the 2019/20 Budget, and in the Medium Term Finance Strategy (MTFS) through to 2020/21, include some provision for increases in provider hourly rates and contract changes from the increase in the National Living Wage effective from 1st April 2019 however the increased cost will need to be contained within the revised budget through the delivery of efficiencies, savings plans and alternative delivery models. It is acknowledged that even though the age range normally quoted is for workers 25 and above, part of the workforce (around 10%) are in the 18 to 24 age range.

Whilst the living wage will increase by 4.85%, it should be noted that wages are just one component of and not the full cost of delivering services. This proportion varies depending on the type of provision, with residential care labour costs being around 70% of total cost. Whilst labour constitutes a significant component there are other aspects of providers' cost base that are met by the overall rate paid by the Council and which may also be subject to change. These may include pension, care registration, insurance and utility costs. It is acknowledged that domiciliary care fee rates for older people in the Borough are low compared to neighbouring authorities, and these providers are starting to report difficulties in recruitment, therefore an increase of 4.85% is to be applied to the framework rate to help close any gap.

4. KEY ISSUES

“Fair Price for Care” exercises which have been undertaken previously to compare local fee rates with the actual cost of care to providers, and subsequent uplifts have showed broad comparability between our fees and the costs to providers of providing care in the Borough. Funded Nursing Care (funded by Clinical Commissioning Groups and which goes towards the cost of Nursing placements) was also uplifted significantly in 2016-17, which considerably boosted income for nursing placements. The uplift for Full Nursing Placements (FNC) has yet to be confirmed for 2019-20. Providers in the Borough have been reluctant to engage in an exercise and share cost and income information with the council in a further Fair Price for Care Exercise which makes it difficult to agree appropriate fee levels. A future Pan-Lancashire cost enquiry is being planned through the Regulated Care Sector work stream.

It should be noted that the market is funded in a number of ways: council supported placements, CCG funded residents through NHS Funded Continuing Health Care, joint-funded placements and additional care payments via the council and CCG and self-funded clients. Providers also pull in additional income through third party top-ups which now affect the vast majority of placements. Total income is underpinned by occupancy levels and local homes within the Borough continue to enjoy very high levels of occupancy. Average occupancy at the time of writing this report in residential and nursing homes within the Borough is 96%. The enhanced quality scheme within the Borough further supports the financial viability of the sector and there have been no home closures in the Borough in this financial year.

It is recommended that residential and nursing home providers receive an uplift of 2.9% to meet the requirements of the National Living Wage increase whilst considering the proportion of provider costs which are likely to be impacted by NLW increases. During 2019/20 the Quality team within strategic commissioning will be reviewing homes to identify those providers who would warrant enhanced fee levels, should further funds become available in the future.

Domiciliary Care for Older People and adults with a Physical Disability

This service framework supports circa 765 frail, disabled and vulnerable local adults and older people in their own homes with intimate and essential personal care. Examples include getting in and out of bed, dressing, managing nutrition, using the bathroom and mobilising around their home.

The sustainability of the home care market has continued to be under scrutiny recently, given widespread funding pressures and cost constraints. All provider organisations, be they private or charitable, need to generate a level of surplus for reinvestment into the business and this has proved hard to achieve for a significant number of providers.

Blackburn with Darwen Borough Council fee rates remain low in comparison to the North West region and although the market has been tested during the 2017/18 tender exercise, all providers on the new framework will be significantly impacted by the further rise in the National Living Wage. It is recommended that domiciliary care providers receive an uplift of 4.85% as a means to meet the requirements of the National Living Wage and to enable the sector to remain financially viable. This represents an increase in unit cost from £13.05 to £13.68 per hour. Further to this, a supplement of 25% will be applied to this rate for the handful of cases where care is provided within a specified rural location. This is in acknowledgement of additional travel and rota considerations.

Learning Disability Provision within a supported Living environment

This service supports adults with a learning disability and/or mental health condition in small group homes or apartments to remain as safe and independent as possible. This is generally provided by a constant 24/7 staff presence or occasionally through outreach support, depending on the needs of the individuals. Providers received significant uplifts in line with guidance last year to ensure that sleep-in rates were national living wage compliant. The proposed uplift will also be applied to the sleep-in element of this provision. However, at this stage this is to facilitate transactional arrangements whilst types of provision with background support is configured on the system. This will be revisited as part

of the new framework. Most provision within Blackburn with Darwen is block contracted under the Learning Disability Commissioning Framework and these services are due to be re-tendered during the year. It is recommended that an automatic uplift of 4% is applied pending the tender process as a means to meet the requirements of increase in the National Living Wage. Work will be undertaken with providers on a new model of service, the aim being to try and contain as far as possible the impact of forthcoming new framework rates within current spend.

Learning Disability/Mental Health domiciliary care for people living alone or with family/carers:

This service supports adults with a learning disability and/or mental health condition within their own homes to remain as safe and independent as possible. This may include physical, emotional and social support. This service is due to be re tendered within the year and as part of this process it is envisaged that a number of rates will be consolidated into a single rate. It is recommended that an automatic uplift of 2.9% is applied to each rate pending the tender process as a means to meet the requirements of the increase in the National Living Wage. Following the uplift, any rate falling beneath the threshold of £13.68 will be adjusted upwards to meet this level.

Extra Care

This service provides 24hour on-site support for older people in dedicated extra care housing schemes, including Kingsway and Spring Bank Court. The current provision is subject to a block contract with an Independent Provider which is due to be re-tendered within Quarter 2 of the new financial year. It is therefore recommended that no automatic uplift be applied to the provision where the care contract is solely provided via block contract.

In terms of the new provision, the care contract has been devised on a new model of block and individually commissioned hours tied to the Older People and Physical Disability domiciliary care contract. This one service will receive a 4.85% uplift to both the spot and block hours.

Shared Lives

Shared Lives provides family based care and respite for adults with a disability and older people. It is a highly cost effective option with excellent outcomes for the individual, when compared to residential care or supported living. Weekly rates for shared lives care were reviewed last year and three bandings applied as below. These will be increased in line with the Consumer Price Index (CPI) which for the purposes of this report is 2.2%.

Bandings	Weekly rate for 2018/19	Proposed rate for 2019/20
Band 2	£349.88	£357.58
Band 3	£371.53	£379.70
Band 4	£434.26	£443.81
Day Support	£8.36	£8.55

Band one is no longer in use as service users who would at one time have qualified for band one now have their needs met in other ways.

Direct Payments

The purpose of a Direct Payment is to provide service users with choice and control in designing an individualised package of care and support. Some users who employ their own personal assistants have been able to pay in excess of the National Living Wage as they do not have the same overheads to pay as, for example, a domiciliary care organisation. As a result, people with such an arrangement would not necessarily be affected by the increase in National Living Wage. Other individuals may use elements of their budget to buy care directly from an agency and therefore potentially be subject to an inflationary increase in costs during the year.

It is therefore proposed that Direct Payments do not receive an automatic uplift. Instead, any person

who is no longer able to meet their care and support needs within the existing budget would be advised to contact the Council for a review of their needs. The outcome of this review would determine if and by how much the level of the direct payment would need to be adjusted.

5. POLICY IMPLICATIONS

The Care Act 2014 requires that local authorities should work towards the long term sustainability of the care market through setting realistic fee rates and understanding the true cost of providing care locally.

The proposed fee uplifts have been set at a level that takes into account current market conditions in Blackburn with Darwen. They incorporate changes to the living wage as detailed in the Chancellor's Autumn Statement in addition to other factors such as changes in Employer contributions.

6. FINANCIAL IMPLICATIONS

The table below sets out the gross cost of the fee uplifts proposed in this paper using activity as at October 2018 to estimate the overall costs:

	£
Residential & Nursing	710,644
Domiciliary care	327,626
Supported Living	400,990
Shared Lives	11,442
Learning Disability Domiciliary Care	25,091
Extra Care	16,613
Total Fee Uplift Cost	1,492,406

The commissioning budgets included in the 2019/20 Budget, and the Medium Term Finance Strategy (MTFS), include some provision for increases in provider hourly rates or contract changes arising from the increase in the National Living Wage, effective from 1st April 2019 however the increased cost will need to be contained within the revised budget through the delivery of efficiencies, savings plans and alternative delivery models. Therefore all agreed uplifts to provider fees need to be balanced against expected savings plans.

For 2019-20 the overall cost of the proposed uplifts is £1,492,406, this will be funded from efficiency targets identified within the 2019-20 budgets.

Any future cost of the provider fee uplifts for 2019-20 on final completion of contract negotiations will need to be met from within the overall budget for Adult Social Care. The effective date of the 2019-20 uplifts is specified within the recommendations above in line with the payment periods for the new financial year.

7. LEGAL IMPLICATIONS

Section 5 of the Care Act 2014 requires local authorities to promote the efficient and effective operation of a market in services for meeting care and support needs in their area. This proposal will assist the Council's efforts to ensure that there is a stable market to provide for the care needs of the local community. This includes the need to ensure that providers can remain viable, and can attract and retain staff to provide the care to the required standard.

8. RESOURCE IMPLICATIONS

The resource implications of implementing these proposals will be absorbed by the Strategic Commissioning – People team with regards to contractual changes; and to Finance Team to administer payment changes.

9. EQUALITY AND HEALTH IMPLICATIONS

Please select one of the options below. Where appropriate please include the hyperlink to the EIA.

Option 1 Equality Impact Assessment (EIA) not required – the EIA checklist has been completed.

Option 2 In determining this matter the Executive Member needs to consider the EIA associated with this item in advance of making the decision.

Option 3 In determining this matter the Executive Board members need to consider the EIA associated with this item in advance of making the decision. (*insert EIA attachment*)

10. CONSULTATIONS

Providers have been consulted through regular interface meetings and meetings with individual organisations. Care homes have also been emailed with details of the new proposed rates. Feedback to the latter has been received from one provider.

11. STATEMENT OF COMPLIANCE

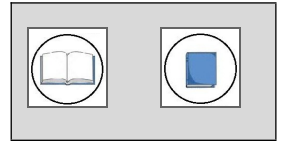
The recommendations are made further to advice from the Monitoring Officer and the Section 151 Officer has confirmed that they do not incur unlawful expenditure. They are also compliant with equality legislation and an equality analysis and impact assessment has been considered. The recommendations reflect the core principles of good governance set out in the Council's Code of Corporate Governance.

12. DECLARATION OF INTEREST

All Declarations of Interest of any Executive Member consulted and note of any dispensation granted by the Chief Executive will be recorded in the Summary of Decisions published on the day following the meeting.

VERSION:	1.0
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CONTACT OFFICER:	Mike Banks, Head of Strategic Commissioning Zoe Evans, Head of Service, Finance
DATE:	13 March 2019
BACKGROUND PAPER:	



Name of the activity being assessed	Proposed uplifts for care providers for 2019/20				
Directorate / Department	Adult Social Care	Service	Adults & Older People Care	Assessment lead	Mike Banks
Is this a new or existing activity?	<input type="checkbox"/> New <input checked="" type="checkbox"/> Existing	Responsible manager / director for the assessment		Sayyed Osman	
Date EIA started	15/03/2018	Implementation date of the activity		01/04/2018	

SECTION 1 - ABOUT YOUR ACTIVITY

<p>Page 19</p> <p>How was the need for this activity identified?</p>	<p>There is a need to review provider rate levels on an annual basis in terms of the impact of rises in the National Living Wage, inflation or other cost pressures. For Blackburn with Darwen, the rate increases in this report relate to:</p> <ul style="list-style-type: none"> • older and disabled people’s care in residential and nursing home care, • domiciliary care • extra-care settings. • learning disability domiciliary care • supported living service arrangements. • direct payments <p>The Autumn statement announced an increase in the National Living Wage of 4.85% level from to £7.83 per hour to £8.21 (an increase of £0.38 per hour) with effect from 1st April 2019 (for workers aged 25 and above).</p> <p>The increase in NLW has a significant impact on our external social care providers, including residential and domiciliary care. The commissioning budgets included in the 2019/20 Budget, and in the Medium Term Finance Strategy (MTFS) through to 2020/21, do not include provision for increases in provider hourly rates and contract changes from the increase in the National Living Wage effective from 1st April 2019 and uplifts will need to be balanced against expected savings plans. It is acknowledged that even though the age range normally quoted is for workers 25 and above, part of the workforce (around 10%) are in the 18 to 24 age range.</p> <p>It should be noted that wages are just one component of and not the full cost of delivering services. This proportion varies depending on the type of provision, with residential care labour costs being around 70% of total cost. Whilst labour constitutes a significant component there are other aspects of providers’ cost base that are met by the overall rate paid by the Council and which may also be subject to change. These may include pension, care registration, insurance and utility costs. It is acknowledged that domiciliary care fee rates for older people in the Borough are low compared to neighbouring authorities, and these providers are starting to report difficulties in recruitment. .</p> <p>It should be noted that the council is not the sole funders of care within this sector and income is also received from self- funders, the Clinical Commissioning Groups (CCGs) and third party contributions towards individual placements and packages of care.</p>
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<p>What is the activity looking to achieve?</p> <p>What are the aims and objectives?</p>	<p>The Council is aiming to reduce the 'gap' between care costs in the sector and the income provided to it in the form of standard rates for assignments and placements made by the authority.</p> <p>The Council needs to ensure sufficient quality and capacity of providers to support those vulnerable people who are no longer able to be supported in their own home.</p>
<p>Page 28 Services currently provided (if applicable)</p>	<p>Residential Care: The council funds care in 26 care homes in the borough and a number of placements in other local authority areas. Providers operate their business on both cost and volume. Across Blackburn with Darwen home occupancy is now above 95% which means that homes are less likely to be subsidising empty rooms.</p> <p>Domiciliary care for older and physically disabled people: This sector has a large workforce paid at on or near the previous NLW and is predominantly provided by a female, part-time workforce. The increases at lower pay grades have a knock on effect at higher grades in terms of maintaining differentials with supervisory staff and manager roles. The current framework rate in Blackburn with Darwen Borough Council is significantly lower than other local authorities in the region, hence the greater percentage increase outlined in the recommendations below. This framework has been retendered and re-issued in the last few months and is now more reflective of required rate to take into account the NLW. The council currently supports circa 765 people in this service.</p> <p>Domiciliary care for people with a learning disability: The current framework contains individual provider contracted rates. Currently eight providers operate within this framework.</p> <p>Supported Living: These contracts are all structured differently. Previous reports have addressed the night care rate issues and the plan is to increase these by the NLW rate increase.</p> <p>Direct payments: These are provided at a budget calculator rate of £10.49, and whilst no uplift is planned for these (as budgets can accommodate the NLW for personal assistants) the rates can be reviewed on an individual basis, depending on the nature of the care plan. The Council contracts with 25 care homes within its boundary with new providers developing schemes in the area in the next two years.</p> <p>Extra Care support is provided in housing schemes and offers more flexible and intensive support to older people with disabilities and can provide an alternative to residential care.</p>

<p>Please outline recommendations that have been identified for implementation following a review of the activity.</p>	<p>It is recommended that the proposed increases in fees within the resources available are targeted towards meeting the requirements of the National Living Wage. Further work is to be undertaken with the sector and CCG colleagues to look at measures to close the cost gap over the next few years and other support and processes that can be put in place which strengthen sustainability. This would include measures to improve income flow, reduce waste, and administration costs.</p> <p>Uplifts are recommended at the following levels:</p> <ul style="list-style-type: none"> • Residential and nursing care, fee increase of 2.9% effective from 22 April 2019 • Older People and Physical Disability Domiciliary Care, framework fee increase of 4.85% effective from 1 April 2019 • Shared Lives, fee increase of 2.2% in line with CPI effective from 22 April 2019 • Learning Disability/Mental Health Domiciliary Care, fee increase of 2.9% effective from 1 April 2019 • Supported Living Providers, fee increase of 4% effective from 1 April 2019 • Direct Payments, no change to current rate however if a recipient is no longer able to meet their needs within the current budget, the necessary adjustments will be made on an individual basis. Similarly, if a person's needs change within the year, their scheduled review will be brought forward and their support plan and personal budget adjusted accordingly. • The Extra Care schemes that are commissioned on a purely block contract basis will not receive an automatic uplift pending the forthcoming tender process due to be commenced within quarter two of the new financial year. For the new scheme model that is tied to the domiciliary framework an increase of 4.85% will be applicable. 		
<p>Type of activity</p>	<input type="checkbox"/> Budget changes <input type="checkbox"/> Change to existing activity	<input type="checkbox"/> Decommissioning <input type="checkbox"/> Commissioning	<input type="checkbox"/> New activity <input checked="" type="checkbox"/> Other [Provider fee increases]

Who else will be involved in undertaking the equality analysis and impact assessment?

Please identify additional sources of information you have used to complete the EIA, e.g. reports; journals; legislation etc.

Colleagues from corporate legal, procurement and finance teams have also been involved, as have other relevant service team managers. Strategic commissioning have led the activity. Other sources of information have been:-

- Residential Care home & domiciliary care providers
- Meetings with individual providers
- CCG Commissioning intelligence about the funding they are providing in the Borough.
- Capacity Tracker information for Residential care

Who are you consulting with? How are you consulting with them? (Please insert any information around surveys and consultations undertaken)

Care homes in the borough have been consulted through meetings and correspondence. The NLW increase and proposals for Blackburn with Darwen have also been discussed at older people provider meetings. Meetings with individual providers have highlighted their current cost pressures and opportunities to create sustainable and efficient provision.

Page 2	Service users	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Indirectly	Staff will benefit from pay increases in line with the new National Living Wage requirements The majority of staff in domiciliary care agencies will be women paid at or just above the National Minimum wage, and now the NLW CCGs have responsibility to fund NHS continuing Care within the same care markets that these provider uplifts will sustain.		
	Members of staff	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Indirectly			
	General public	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Indirectly			
	Carers or families	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Indirectly			
	Partner organisations	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Indirectly			
Who does the activity impact upon?*	Positive impact	<input checked="" type="checkbox"/> Age	<input checked="" type="checkbox"/> Disability	<input type="checkbox"/> Gender reassignment	<input type="checkbox"/> Marriage & Civil Partnership	<input type="checkbox"/> Pregnancy & maternity	<input type="checkbox"/> Vulnerable groups
		<input type="checkbox"/> Race	<input type="checkbox"/> Religion or belief	<input type="checkbox"/> Sex	<input type="checkbox"/> Sexual orientation	<input checked="" type="checkbox"/> Deprived communities	<input checked="" type="checkbox"/> Carers
	Negative impact	<input type="checkbox"/> Age	<input type="checkbox"/> Disability	<input type="checkbox"/> Gender reassignment	<input type="checkbox"/> Marriage & Civil Partnership	<input type="checkbox"/> Pregnancy & maternity	<input type="checkbox"/> Vulnerable groups
		<input type="checkbox"/> Race	<input type="checkbox"/> Religion or belief	<input type="checkbox"/> Sex	<input type="checkbox"/> Sexual orientation	<input type="checkbox"/> Deprived communities	<input type="checkbox"/> Carers
	Don't know	<input type="checkbox"/> Age	<input type="checkbox"/> Disability	<input type="checkbox"/> Gender reassignment	<input type="checkbox"/> Marriage & Civil Partnership	<input type="checkbox"/> Pregnancy & maternity	<input type="checkbox"/> Vulnerable groups
		<input type="checkbox"/> Race	<input type="checkbox"/> Religion or belief	<input type="checkbox"/> Sex	<input type="checkbox"/> Sexual orientation	<input type="checkbox"/> Deprived communities	<input type="checkbox"/> Carers

***If no impact is identified on any of the protected characteristics a full EIA may not be required. Please contact your departmental Corporate**

Does the activity contribute towards meeting the Equality Act's general Public Sector Equality Duty? Refer to p.3 of the guidance for more information
A public authority must have 'due regard' (i.e. consciously consider) to the following:

DUTY	DOES THE ACTIVITY MEET THIS DUTY? EXPLAIN
Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act <i>(i.e. the activity removes or minimises disadvantages suffered by people due to their protected characteristic)</i>	<p>An increase in rates that allow the living wage to be paid to care staff will help to sustain essential services that allow people with protected characteristics to be supported in the community.</p>
Advance equality of opportunity between those who share a protected characteristic and those who do not <i>(i.e. the activity takes steps to meet the needs of people from protected groups where these are different from the needs of other people)</i>	<p>The proposed increase in fees to enable requirements of the NLW will have an impact on the Health and Social Care workforce as a large part of this population is currently paid at NLW levels. This workforce is predominantly a female workforce. By increasing rates it is ensuring that those who are currently receiving the NLW will be paid more per hour. In addition, the Council will be delivering a statutory duty to ensure that employers are able to pay the legal requirement of NLW.</p>
Foster good relations between people who share a protected characteristic and those who do not <i>(i.e. the function encourages people from protected groups to participate in public life or in other activities where their participation is disproportionately low)</i>	

ASSESSMENT	Is a full EIA required?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
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Please explain how you have reached your conclusion *(A lack of negative impacts must be justified with evidence and clear reasons, highlight how the activity negates or mitigates any possible negative impacts)*


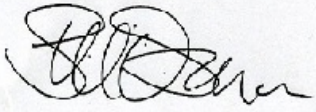

The council will target their uplifts in fees towards covering the cost of staff which is the key element in delivering good quality care.

Some providers may be at risk of being financially unviable and leave the care market if fees are not increased at least part way to support providers to meet the statutory increases in wage costs in light of the NLW increase. Based on previous information from the 'Fair Price for Care' exercise for residential care, staffing costs account for approximately 70% of provider costs with 84% of staff benefitting from the NLW increases. The tender exercise for domiciliary care undertaken during 2017-2018 tested the market at the rate for that financial year and fifteen providers came forward for inclusion onto the framework; eight of which are now operating within the same framework at this rate prior to 2019-20 increase.

In that the council is not in a position to fund the whole gap between costs and standard rates, and we have no control over providers' financial operating bases, there is still a risk that some providers may decide to leave the market. This would mean a potential loss of jobs and lack of availability of care. However, to mitigate the potential loss of capacity, there are new providers coming into the market who can operate viably that are actively recruiting staff. The tender process for the new framework for older people and physical disability domiciliary care has operated a high level of robust due diligence to ensure sensitive and safe transfer of providers. Individuals can choose to keep on arrangements with existing agencies that are unsuccessful in being awarded contracts on the new framework via a direct payment arrangement.

The council is considering entering into further negotiation with providers to explore a new fee structure and quality scheme for future years with the emphasis on further developing support with costs and the quality scheme.

The uplift of fees will allow the council to maintain the same level of service across, residential, domiciliary and extra-care provision by providing the means to providers to pay higher wages.

Author Signature		Date	15/03/2019
Head of Service/Director Signature		Date	15/03/2019
<i>The above signatures signify acceptance of the ownership of the Initial EIA and the responsibility to publish the completed Initial EIA as per the requirements of the Equality Act 2010.</i>			
Departmental E&D Lead Signature		Date	15/03/2019