

# Cabinet

## Agenda

Tuesday 10 October 2017

**The Cabinet will meet at SHIRE HALL, WARWICK on Tuesday 10 October 2017 at 13.45.**

Please note that this meeting will be filmed for live broadcast on the internet. Generally, the public gallery is not filmed, but by entering the meeting room and using the public seating area you are consenting to being filmed. All recording will be undertaken in accordance with the Council's Standing Orders.

The agenda will be:

### **1. General**

#### **1) Apologies for absence.**

#### **2) Members' Disclosures of Pecuniary and Non-Pecuniary Interests.**

Members are required to register their disclosable pecuniary interests within 28 days of their election of appointment to the Council. A member attending a meeting where a matter arises in which s/he has a disclosable pecuniary interest must (unless s/he has a dispensation):

- Declare the interest if s/he has not already registered it
- Not participate in any discussion or vote
- Must leave the meeting room until the matter has been dealt with.
- Give written notice of any unregistered interest to the Monitoring Officer within 28 days of the meeting

Non-pecuniary interests must still be declared in accordance with the Code of Conduct. These should be declared at the commencement of the meeting.

#### **3) Minutes of the meeting held on the 7 September 2017 and Matters Arising.**

To approve the minutes of the meeting held on 7 September 2017.

#### **4) Public Speaking.**

To note any requests to speak in accordance with the Council's Public Speaking Scheme (see footnote to this agenda).

**2. Warwickshire Minerals Plan – Summary of Publication Consultation Report and Sand and Gravel Topic Paper**

This report presents Cabinet with results of the recent consultation exercise on the Warwickshire Minerals Plan and seeks a decision on the most appropriate way forward.

Cabinet Portfolio Holder: Councillor Jeff Clarke

**3. OFSTED Single Inspection Framework (SIF): Action Plan**

The Warwickshire OFSTED Single Inspection Framework (SIF) report was published on 14 July 2017. The inspection report provided a judgement of “requires improvement” and detailed 12 recommendations and noted a number of positive findings. This report summarises the key messages from the OFSTED report and presents Warwickshire County Council’s OFSTED action plan, which outlines the steps being taken to address the recommendations.

Cabinet Portfolio Holder: Councillor Jeff Morgan

**4. Approval of Changes to the Charging Policy for Adult Social Care**

This report seeks approval to changes to how the County Council charges for Adult Social Care and the information that is provided to clients.

Cabinet Portfolio Holder: Councillor Les Caborn

**5. Health Advocacy Services Redesign: Consultation Findings and Proposed Service Model**

The three contracts for the health advocacy services are currently due to expire on 31 March 2018. This report provides details of the key findings and outcomes of the consultation process for those three services which have informed the proposed service model.

Cabinet Portfolio Holder: Councillor Les Caborn

**6. Advocacy, Information, Advice and Support Services (Adults and Children’s)**

This report seeks Cabinet approval to proceed with an appropriate procurement process for the provision of Advocacy, Information, Advice and Support Services.

Cabinet Portfolio Holder: Councillor Les Caborn

## **7. Whistleblowing Policy**

The Whistleblowing Policy has been updated to reflect the changes to the law on protected disclosures and the statutory Duty of Candour which applies to the County Council as a provider of care services.

The revised policy was endorsed by the Audit and Standards Committee on 6 September 2017.

Cabinet Portfolio Holder: Councillor Kam Kaur

## **8. Local Government & Social Care Ombudsman (LGSCO) – Annual Review and Summary of Upheld Complaints**

This report attaches a copy of the LGSCO's letter for 2016/17 and provides more detail in relation to the themes identified by the upheld cases. Reporting the LGSCO's findings to Cabinet aligns with the guidance recently provided by the new Ombudsman on the reporting of cases of maladministration to members.

Cabinet Portfolio Holder: Councillor Kam Kaur

## **9. Capital Investment Fund – 2017/18 Quarter 2 Proposed Allocations**

This report forms Stage 4 of the Capital Investment Fund allocation process for the second quarter of 2017/18, with two bids being brought forward for approval, requesting a maximum allocation of £0.300 million.

Cabinet Portfolio Holder: Councillor Peter Butlin

## **10. Any Urgent Items**

Any other items the Chair considers are urgent

## **11. Reports Containing Confidential or Exempt Information**

To consider passing the following resolution:

'That members of the public be excluded from the meeting for the items mentioned below on the grounds that their presence would involve the disclosure of exempt information as defined in paragraph 3 of Schedule 12A of Part 1 of the Local Government Act 1972'.

EXEMPT ITEMS FOR DISCUSSION IN PRIVATE (PURPLE PAPERS)

**12. Exempt Minutes of the meeting of Cabinet 7 September 2017**

To consider the exempt minutes of the meeting of 7 September 2017.

**David Carter  
Joint Managing Director  
Warwickshire County Council  
October 2017**

**Cabinet Membership and Portfolio Responsibilities**

Councillor Izzi Seccombe (**Leader of the Council and Chair of Cabinet**)  
[cllrmsseccombe@warwickshire.gov.uk](mailto:cllrmsseccombe@warwickshire.gov.uk)

Councillor Peter Butlin (**Deputy Leader, Finance and Property**)  
[cllrbutlin@warwickshire.gov.uk](mailto:cllrbutlin@warwickshire.gov.uk)

Councillor Les Caborn (**Adult Social Care and Health**)  
[cllrcaborn@warwickshire.gov.uk](mailto:cllrcaborn@warwickshire.gov.uk)

Councillor Jeff Clarke (**Transport & Environment**)  
[cllrclarke@warwickshire.gov.uk](mailto:cllrclarke@warwickshire.gov.uk)

Councillor Colin Hayfield (**Education and Learning**)  
[cllrhayfield@warwickshire.gov.uk](mailto:cllrhayfield@warwickshire.gov.uk)

Councillor Kam Kaur (**Customer and Transformation**)  
[cllrkaur@warwickshire.gov.uk](mailto:cllrkaur@warwickshire.gov.uk)

Councillor Jeff Morgan (**Children's Services**)  
[cllrmorgan@warwickshire.gov.uk](mailto:cllrmorgan@warwickshire.gov.uk)

Councillor Howard Roberts (**Fire and Community Safety**)  
[cllrroberts@warwickshire.gov.uk](mailto:cllrroberts@warwickshire.gov.uk)

**Non-voting Invitees -**

Councillor Jerry Roodhouse (**Leader of the Liberal Democrat Group**),  
[cllrroodhouse@warwickshire.gov.uk](mailto:cllrroodhouse@warwickshire.gov.uk)

Councillor Richard Chattaway (**Leader of the Labour Group**)  
or their representatives.

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All public papers are available at [www.warwickshire.gov.uk/cmis](http://www.warwickshire.gov.uk/cmis)

## **Public Speaking**

Any member of the public who is resident or who works in Warwickshire may speak at the meeting for up to three minutes on any item on the agenda for this meeting. This can be in the form of a statement or a question. If you wish to speak please notify Paul Williams (see below) in writing at least two working days before the meeting. You should give your name and address and the subject upon which you wish to speak. Full details of the public speaking scheme is set out in the Council's Standing Orders (Standing Order 34).

**General Enquiries:** Please contact Paul Williams, Democratic Services Team Leader

Tel 01926 418196 or email: [paulwilliamscl@warwickshire.gov.uk](mailto:paulwilliamscl@warwickshire.gov.uk)

**Minutes of the meeting of the Cabinet  
held on 7 September 2017**

**Present**

**Cabinet Members:**

Councillors	Izzi Seccombe	Leader of Council and Chair of Cabinet
	Peter Butlin	Deputy Leader (Finance & Property)
	Les Caborn	Adult Social Care & Health
	Jeff Clarke	Transport & Environment
	Colin Hayfield	Education and Learning
	Jeff Morgan	Children's Services
	Howard Roberts	Fire & Community Safety

**Non-Voting Invitees:**

Councillor Jerry Roodhouse	Leader of the Liberal Democrat Group
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**Other Councillors:**

Councillors Boad, Golby, Olnier, O'Rourke, Webb and Williams

**Public attendance:**

None

**1. General**

Before the commencement of the meeting the Chair welcomed Nigel Minns in his new role as Strategic Director for the People Group and Rob Tromans the Deputy Police and Crime Commissioner.

**(1) Apologies for absence**

Councillor Kam Kaur	Portfolio Holder for Customer & Transformation
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Councillor Richard Chattaway	Leader of the Labour Group
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**(2) Members' Disclosures of Pecuniary and Non-Pecuniary Interests**

With reference to agenda item 7 - Blue Light Collaboration, Councillor Izzi Seccombe (Leader of the Council and Chair of Cabinet) declared an interest this being that she is married to the Warwickshire Police and Crime Commissioner (PCC). It was acknowledged that the PCC will not sit on the proposed project board.

**(3) Minutes of the meeting held on 13 July 2017 and Matters Arising**

The minutes for the meeting held on 13 July 2017 were agreed and signed by the Chair.

Under matters arising, Councillor Sarah Boad referencing item 9 (Warwickshire Agreed Syllabus for Religious Education) asked how people involved in religious instruction could view the syllabus if it was confidential. It was explained that the report considered by Cabinet on 13 July was confidential as the syllabus had been developed by a commercial enterprise and is subject to copyright. Schools and other establishments wishing to use the syllabus will be required to pay for it. In the normal course of events volunteer readers working in schools that have purchased the syllabus will have access to it.

It was agreed that a note clarifying this will be sent to all members.

#### **(4) Public Speaking**

None

## **2. One Organisational Plan Quarterly Progress Report: April-June 2017**

In the absence of Councillor Kam Kaur (Portfolio Holder for Customer and Transformation) Councillor Peter Butlin (Deputy Leader, Finance and Property) introduced this report. Having explained that the method of reporting results was slightly different to that previously used Councillor Butlin highlighted two particular areas to Cabinet.

The first was the reported underspend of 2.69% of budget in the Social Care and Support Service. This is attributable to the late receipt of grant funding from central government. It is expected that the reserves will be spent over the next 12 months.

The second area is capital slippage as set out from paragraph 3.4.3 of the published report. This is focused on three service areas, Education and Learning, Transport and Economy and Fire and Rescue. In response to a question from Councillor Alan Webb it was explained that slippage is a complex area and it is not always possible to distinguish between that which is due to delayed expenditure and new funding.

Overall, Councillor Butlin explained, the Council's budget is forecast to be within agreed tolerances.

Concerning sickness and absence levels Councillor Maggie O'Rourke asked how Warwickshire County Council compares in performance with its statistical neighbours. David Carter (Joint Managing Director – Resources) explained that sickness levels are reported to the Council's Staff and Pensions Committee adding that the County Council's figures are slightly above the national average.

Councillor Jerry Roodhouse (Leader of the Liberal Democrat Group) highlighted performance around reablement and delayed transfers (page 3 of 14 of the report) asking whether this will remain in the red. In response Councillor Les Caborn (Portfolio Holder for Adult Social Care and Health) explained that one of the challenges facing those who monitor performance is that different partner agencies have different baselines. In addition the three hospitals trusts in Warwickshire operate different discharge policies. It was acknowledged that despite good progress being made with integration and the alignment of budgets it is unlikely that the target set by government will be met this year.

Responding to a question from Councillor Roodhouse concerning the management of the highways maintenance budget Councillor Jeff Clarke (Portfolio Holder for Transport and Environment) explained that the Transport Management Board has been exploring the way in which information on highway repairs is recorded. Better recording should result in fewer delays between the reporting of an issue and it being resolved. Councillor Peter Butlin suggested that one of the causes in delays was a previous decision by the contractor to establish an “efficiency hub”. In doing so it reduced the number of staff to a point where it was unable to operate effectively. Following intervention by Monica Fogarty and Councillor Butlin that situation is being reversed. In response to further comments regarding delays in road repairs Councillor Jeff Clarke agreed to obtain more information on the situation for circulation to members.

The forecast rise in the cost of the household waste services was discussed. Having confirmed the reason behind this as the increase in green waste in Rugby being directed to landfill, Councillor Jeff Clarke informed Cabinet that the overall expected cost will increase by £321,000 per annum. Monica Fogarty (Joint Managing Director – Communities) agreed that if other district and borough councils followed this route it would cause major problems for the County Council. Cabinet was informed that the Warwickshire Waste Partnership is reviewing the situation. In particular it is considering how greater collaborative working can assist in reducing costs.

### **Resolved**

That Cabinet:

- 1) notes the progress on the delivery of the One Organisational Plan (2017-2020) as at the end of June 2017, as summarised in sections 1 to 3 of the report and detailed in Appendix A of the report;
- 2) wishes to remind Corporate Board and Heads of Service of the importance of delivering a balanced budget both collectively and individually and that proposals for actions to bring those budgets overspending back on track should be discussed with Portfolio Holders as a matter of urgency;
- 3) approves the net transfer of £3.432 million to Business Unit reserves to support the delivery of services in future years, as outlined in section 3.2 of the report; and
- 4) approves the revised capital payments totals and the revised financing of the 2017-18 capital programme, as detailed in the table in section 3.4 of the report.

### **3. 2018/19 Refresh of the Medium Term Financial Plan 2020**

Councillor Peter Butlin introduced this report explaining that the Medium Term Financial Plan is reviewed annually.

Highlighting uncertainties over future funding as set out in paragraph 2.4 of the report namely the Dedicated Schools Grant, and Business Rates (and associated “Fairer Funding”) Councillor Jerry Roodhouse sought assurance that pressure is being brought to bear on the local MPs. Councillor Peter Butlin confirmed that this was the case adding that John Betts (Head of Finance) had circulated an update for members on the current position. Councillor Izzi Seccombe noted that eight pilots



had already been agreed. In addition combined authorities in particular had undertaken a significant amount of work basing their budgets around presumptions concerning business rate retention. Councillor Seccombe confirmed that as well as lobbying local MPs on the matter she would be looking for the LGA and CCN to apply pressure for a satisfactory outcome.

### **Resolved**

That Cabinet agrees the process and timetable for the 2018-19 refresh of the Medium Term Financial Plan through to 2020 and for setting the 2018-19 Budget.

## **4. Annual Governance Statement 2016-17**

Councillor Peter Butlin explained the purpose of the report and the Annual Governance Statement. There were no questions from members

### **Resolved**

That Cabinet endorses the Annual Governance Statement for 2016-17 prior to submission to Council for approval.

## **5. Counter Fraud, Bribery and Corruption Framework**

Councillor Izzi Seccombe drew members' attention to a slight change to the Counter Fraud, Bribery and Corruption Framework that had been requested by the Council's Audit and Standards Committee at its meeting on 6 September. This requested that paragraph 7.2 of the document read,

“Managers must immediately inform the Chief Risk and Assurance Manager of all allegations and suspicions of possible fraud, bribery and corruption. The Chief Risk and Assurance Manager will determine in conjunction with managers the arrangements for investigating the allegation. The more complex cases will be investigated by Risk and Assurance. Minor, straight forward allegations may be referred back to the relevant Service Manager for further investigation. Some cases may be reported immediately to the police by the Chief Risk and Assurance Manager. Members of Risk and Assurance will always be available to support staff and managers where necessary”.

This change was agreed.

David Carter confirmed that this framework operates alongside the Council's Whistleblowing Policy and that the Council's policies do take account of the legislative requirements as set out in section 5 of the framework.

### **Resolved**

That Cabinet approves the updated Counter Fraud, Bribery and Corruption Framework incorporating the changes requested by the Council's Audit and Standards Committee on 6 September 2017.

## **6. Improving Fire Safety within Warwickshire's Built Environment following the Grenfell Tower Tragedy**

Councillor Howard Roberts (Portfolio Holder for Fire and Community Safety) reminded Cabinet that it had received regular updates from the Chief Fire Officer following the Grenfell Tower fire. It was considered that the report offered assurance to people in Warwickshire over their safety in high rise buildings but Councillor Roberts cautioned against complacency. Members highlighted the benefits of sprinkler systems and requested that updates be provided on discussions around building standards.

Councillor Jerry Roodhouse suggested that the Council's Trading Standards service had a role in terms of monitoring the safety of white goods. Councillor Bill Olnier called on national bodies such as the LGA to press for greater fire safety with white goods. In addition he called for more consideration to be given to the installation of sprinkler systems in schools and for Building Regulations to be applied retrospectively (thus enhancing safety in existing buildings).

Members thanked officers for their hard work in recent weeks, visiting buildings and advising and reassuring residents concerning their safety.

### **Resolved**

- 1) That Cabinet notes and endorses the progressive fire safety work undertaken within high rise premises in Warwickshire. Improvements have been established as a result of constructive local partnership working following the sharing of early lessons that have emerged after the Grenfell Tower fire; and
- 2) Warwickshire County Council affirm its positive commitment to reduce the impact of fire on people, property, firefighter safety and the environment by supporting the benefits of appropriately deployed sprinkler fire suppression systems in the wider built environment of Warwickshire. In support of this commitment, Cabinet requests that the Portfolio Holder for Fire & Community Safety, the Chief Fire Officer (CFO) and the Joint Managing Director (Resources) develop a risk-based 'Sprinkler Fire Safety Position Statement' with a view to its adoption as policy by Cabinet in December 2017.

## **7. Blue Light Collaboration**

Councillor Peter Butlin explained the background to the proposals as set out in the report adding that Warwickshire appeared to be pioneering this approach.

Councillor Sarah Boad commended the proposal to set up a project board but expressed the hope that the Police and Crime Commissioner would not be looking to take over the running of the Fire and Rescue Service. Councillor Boad cited the situation in West Mercia where local authorities have already rejected such an approach. It was noted that Mark Pawsey (MP for Rugby and Bulkington) is on a national working group considering blue light collaboration. It was hoped that he will be able to bring his knowledge to any discussions in Warwickshire.

Cabinet was reminded that the proposal is for an advisory board. It will not be a decision making body and will have to ensure that it confines its business to its stated remit.

Members agreed that the key with emergency service attendance at an incident is that the right people arrive there in the least possible time.

### **Resolved**

That Cabinet agrees:

- 1) the arrangements for the Blue Light Collaboration Joint Advisory Board, as set out in the report; and
- 2) that Councillors Peter Butlin and Howard Roberts be appointed to the Board.

## **8. Drug and Alcohol Redesign - Consultation Findings and Proposed Service Model**

Councillor Les Caborn stated that drug and alcohol services were being redesigned in part to address new challenges being presented. These include the growth in the use of “legal highs” and a growing recognition that whole families can have a drug – related problem. Services need to be based more on outreach rather than in buildings and will be formed around three core elements namely, services for adults, services for children and young people and a recovery network. Ideally these will be delivered via a single contract but this will depend upon the outcome of the tendering process.

Prevention will be a large element of the service whilst the relationship between homelessness, mental health issues and drug usage is also recognised.

Members agreed that the Adult Social Care and Health Overview and Scrutiny Committee should be asked to consider drug and alcohol abuse and the services provided.

### **Resolved**

That Cabinet:

- 1) agrees the outcomes and findings of the consultation process which has informed the Drug and Alcohol Service redesign;
- 2) approves the proposed new service model; and
- 3) agrees that the Joint Managing Director (Communities) be authorised to commence an appropriate procurement process and to award any contracts for the redesigned Drug and Alcohol Service on terms and conditions satisfactory to the Joint Managing Director (Resources).

## **9. Public Health - Preventing a First Fall Fitter Futures - Move! Improve! Service Proposed Re-Tender of Service**

This item was deferred pending further consideration.

It was noted that the current service provision will be extended to allow for this deferral.

## **10. A452 Europa Way Corridor Improvement Scheme: Growth Deal 3 Funding**

Councillor Jeff Clarke summarised the published report. Members welcomed the proposals but recognised that extensive road works on what is already a busy network could cause major disruption pushing more traffic through towns like Warwick. It might be possible to consider out of hours working but the project has a fixed budget and this could be prohibitively expensive.

Reflecting back on the M40 Junction 15 project Councillor Les Caborn reminded Cabinet that a working group comprising parish councils and other agencies and individuals had functioned very successfully in aiding communication and avoiding problems.

Members recognised the need to maintain the public's confidence in this and other projects and also to show that infrastructure planning is being carried out in a structured fashion.

### **Resolved**

- 1) That Cabinet recommends that Council approve the addition of the A452 Europa Way Corridor Scheme to the capital programme at a cost of £18.890million, fully funded from a £3.6million allocation from Growth Deal 3 and £15.290million from Section 106 agreements with developers; and
- 2) Subject to Council approving recommendation 1), that Cabinet approves the Council entering into a funding agreement with Coventry and Warwickshire Local Enterprise Partnership to finalise and secure the £3.6million Growth Deal 3 funding allocation towards the A452 Europa Way Corridor Improvement Scheme on terms and conditions acceptable to the Joint Managing Directors.

## **11. Warwickshire Youth Justice Service Strategic Plan**

In introducing this report Councillor Howard Roberts drew Cabinet's attention to the fact that Warwickshire's Youth Justice Service out-performs many others in the country.

Councillor Alan Webb noted the reduction in the budget available for the service reminding members that investment early on in a person's life can bring dividends later.

Councillor Jerry Roodhouse emphasised the link between mental health issues and youth offending (Page 6 of 24 of the Strategic Plan) adding that it will be of interest to see how the CAMHS service can have a positive impact on this.

The high proportion of young offenders who have been looked after children was also noted. Recognising the authority's collective responsibility as corporate parents this was of concern to Cabinet

### **Resolved**

That Cabinet endorses the Warwickshire Youth Justice Service Strategic Plan 2017-18 for adoption by Warwickshire County Council.

**12. Any Urgent Items**

None

**13. Reports Containing Confidential or Exempt Information**

**EXEMPT ITEMS FOR DISCUSSION IN PRIVATE (PURPLE PAPERS)**

**Resolved**

That members of the public be excluded from the meeting for the items mentioned below on the grounds that their presence would involve the disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

**14. Exempt Minutes – 13 July 2017**

The exempt minutes of 13 July 2017 were agreed as an accurate record.

**15. Transforming Nuneaton Programme: Growth Deal 3 Funding**

Cabinet recognised the importance in investing in Warwickshire's towns and welcomed this new initiative.

**Resolved**

Cabinet agreed the recommendations as set out in the exempt minutes.

The meeting rose at 15.27

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Chair

## **Cabinet**

**10 October 2017**

### **Warwickshire Minerals Plan – Summary of Publication Consultation Report and Sand and Gravel Topic Paper**

#### **Recommendations**

That Cabinet:

- 1) Request the Joint Managing Director (Communities) to prepare a proposed Minerals Local Plan based on the 2017 10 year sales average,
- 2) Authorise the Portfolio Holder for Transport and Environment to approve the proposed Plan for publication in accordance with Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012,
- 3) Subject to such approval authorise the Joint Managing Director (Communities) to publish the proposed Plan and carry out such consultation as she considers expedient on it; and
- 4) Require a further report following such consultation to enable Cabinet to decide whether to recommend that Council submit the proposed Plan to the Secretary of State.

#### **1.0 The Minerals Plan**

- 1.1 Warwickshire County Council is the Mineral Planning Authority for Warwickshire. It has a statutory duty to produce the Minerals Plan. The Minerals Plan sets out the spatial strategy, vision, objectives and policies for guiding minerals development for a 15 year plan period. It also provides the framework for minerals development management including implementation and monitoring.
- 1.2 Government guidance also requires that Mineral Planning Authorities (MPAs) should plan for a steady and adequate supply of minerals including the provision of aggregates' i.e. sand and gravel and crushed rock. The Minerals Plan is the vehicle which enables this to be implemented, through the allocation of minerals sites. This provides certainty to communities as to where mineral development should take place in the county.

## **2.0 Background**

- 2.1 At Cabinet in October 2016 it was agreed that the Minerals Plan would be published in accordance with regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Act 2012 and the necessary public consultation carried out.
- 2.2 It was also agreed “that following the next period of consultation and before submission of the Minerals Plan to the Secretary of State, a report be presented to Cabinet and to Council setting out responses to the Consultation exercise and subsequent analysis of those responses”.
- 2.3 This Cabinet report is the one which members previously requested at the October 2016 Cabinet Meeting. It includes two appendices.
- 2.4 Appendix 1 is a Summary of Consultation report which sets out an analysis and summary of the main comments made during the Publication Consultation and initial officers’ comments.
- 2.5 Appendix 2 comprises a Topic Paper for Sand and Gravel. This paper outlines the current situation in the county in respect of sales, permitted reserves and landbanks for sand and gravel and looks behind the scenes at the demand and supply of the products sand and gravel is used in and their local markets. It also looks at the Minerals Plan’s overall sand and gravel requirements and seeks to explain further how the plan requirement figures have been calculated.

## **3.0 Summary of Consultation**

- 3.1 The Publication consultation stage of the plan took place from 9 December 2016 to 3 February 2017 and was extended beyond the minimum 6 weeks. The consultation focussed on matters of Soundness and Legal Compliance. The Government outlines the requirements for consultation and advise all authorities to set out their questions on a specially designed form. This was produced following best practice guidance procedures advocated by the Planning Inspectorate.
- 3.2 The consultation resulted in 684 individual comments being submitted by 283 individual respondents. Approximately half of the comments were made on the form; the rest were submitted by letter or email without using the form. This has resulted in some delays as it has required officers to upload all the information on to the forms and the Council’s consultation portal.

## **4.0 Sand and Gravel Topic Paper**

- 4.1 This Topic Paper highlights the main issues in respect of sand and gravel in Warwickshire. It was considered that a Paper was needed to provide a more

detailed explanation of the link between the information set out in the Local Aggregates Assessment and the section in the Minerals Plan relating to plan requirements for sand and gravel.

- 4.2 The Topic Paper explains that the rate of production of sand and gravel in the county has become increasingly uncertain in recent years. From being a large producer in the 1990s and early 2000s, providing 10% of the region's sand and gravel Warwickshire is now only providing 3% of the region's sand and gravel. Production figures for sand and gravel have continued to decline resulting in falls in both the 10 year average and the 3 year average. At the same time the county is expected to plan for more development than at any time in recent years and demand for sand and gravel is still very high.
- 4.3 There appear to be several reasons for the decline in the industry in the county, which are outlined in the Topic Paper. The paper looks behind the reasons which include the following
- Warwickshire is less attractive to large scale mineral operators.
  - Landowners and operators appear reluctant to promote sites through the Local Plan.
  - In relative terms the sites are quite small and will not deliver large quantities of sand and gravel.
  - The best sand and gravel sites with the large reserves have already been worked out.
- 4.4 The Topic Paper therefore looks at the minerals industry and the local sites in more detail and explains how the Plan requirement is calculated and why all the sites submitted were included in the plan. The report also explains why the plan requirement figure has reduced further since 2016.

## **5.0 Options and the way forward**

- 5.1 The figures in the plan have been re-assessed based on the most recent data from 2017, which show that the sand and gravel sales average, on which the calculations are based, has fallen dramatically, while permitted reserves have increased. Based on this information we consider that there are two possible options for members to consider. The options are fully set out in the Sand and Gravel Topic Paper in Appendix 2.
- 5.2 Option A – This Option would mean the plan continues on to Submission stage and Examination in Public, based on the overall aim to provide 8.48mt; this would mean that there would be an overprovision of 1.955 million tonnes which would help to stimulate the local market to support construction and infrastructure growth in the county.



- 5.3 Option B – This Option would require the plan to go back to the Publication Stage based on a requirement to produce a lower figure of 6.525 million tonnes of sand and gravel based on the most recent Local Aggregate Assessment figures produced in 2017.
- 5.4 The main implication for proceeding with Option A is that all the current sites would remain in the plan and the plan could be submitted for Examination in Public without delay and the Examination could take place probably in approximately 9 months.
- 5.5 The main implication of proceeding with Option B, in returning to the Publication stage is that a re-assessment of the proposed sites in the plan would be required. It would mean that the progress of the plan would be subject to further delays as further site analysis would be required and the sites would be re-assessed against the new plan figure. There are also financial implications. In the short term returning to Publication next year would be less costly than going to Examination, although this cost would be only be delayed until the Submission the year after.
- 5.6 On balance it is considered that Option B should be taken forward. This is because the Option is based upon the most recent data based upon a number of recent developments in the last year, including the approval of a large extension at Brinklow Quarry and the rapid fall in the sand and gravel sales 10 year average. Whilst a small overprovision might be justified, a plan requirement with nearly 2 million tonnes overprovision (25%) is too large a figure, even in the context of the growth needed within the county over the plan period.

## Appendix 1 – Summary of Consultation

## Appendix 2 – Warwickshire Minerals Plan – Sand and Gravel Topic Paper

### Background papers

None

	<b>Name</b>	<b>Contact Information</b>
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Portfolio Holder	Cllr Jeff Clarke	<a href="mailto:cllrclarke@warwickshire.gov.uk">cllrclarke@warwickshire.gov.uk</a>

This report was circulated to the following elected members prior to publication.

Local Members: N/A

Other Members: Councillors Shilton, Clarke, Fradgley, Horner and Western



# **APPENDIX 1 - Summary of Consultation**

## **Warwickshire Minerals Plan (Publication Stage 2016)**

**OCTOBER 2017**

*Working for  
Warwickshire*

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<b>Section 4: Comments on how the plan could be changed</b>	<b>33</b>
<b>Section 5: The Duty to Cooperate</b>	<b>36</b>
<b>Section 6: Attendance at examination</b>	<b>37</b>
<b>Section 7: Conclusion</b>	<b>40</b>

### ***Appendices***

**Appendix 1: Glossary**

**Appendix 2: The Questionnaire Form**

## Executive Summary

It was agreed at the October 2016 Cabinet meeting that a report would be presented to Cabinet on the consultation undertaken on the Warwickshire Minerals Plan Publication 2016.

As set out in the Cabinet Report (October 2017), there are two supporting papers. This first paper (Summary of Consultation) aims to inform Cabinet on the key issues raised during the last consultation (9th December 2016 - 3rd February 2017) and provide commentary to assist Cabinet on how feedback has been managed.

The second paper (Topic Paper) is a detailed response to specific issues raised during the consultation, this includes, the amount of sand and gravel required as calculated in the latest Local Aggregates Assessment which informs the Plan and its requirements for sand and gravel taking into account a number of factors, including the role of recycled aggregates in the supply of construction materials, the history of past sales and potential future economic growth within Warwickshire.

At Publication stage, the focus is primarily on the technical aspects of the plan making process which includes legal compliance, the Duty to Cooperate and the test of 'soundness'. This stage has been noted by the public as asking complex and legalistic questions which are not easy to understand. However, these questions are needed to fulfil national planning policy guidance (National Planning Policy Framework 2012) and regulation that governs plan making (the Town and Country Planning Act (Local Planning) (England) Regulations 2012). WCC has followed best practice by providing a guidance note to assist the public to help them understand the process better and make an informed response using the questionnaire form.

Feedback provided herewith is based on quantitative and qualitative analysis following the questions as set out in the questionnaire used for the consultation. A summary analysis is provided on open questions (free text boxes) to help understand key points raised and how this could affect the plan. Open questions are summarised and grouped into key issues, for example, Question 5 of the questionnaire asks if the plan is considered legally compliant or 'sound' and to also provide justification. While responses have been primarily related to site based policies and individual sites the most important issues raised relate to the amount of construction materials required during the plan period and how the plan will deliver and maintain future supplies. Comments have also been made in relation to specific core strategy and development management policies and other sections of the Plan.

The responses to site based policies focus primarily on Policy SO (Overarching Policy - Mineral Sites to be Allocated), Policy S1 (Bourton on Dunsmore), Policy S4 (Land at Wasperton), Policy S5 (Glebe Farm, Wasperton) and Policy S7 (Lower Farm Salford Priors).

For all the sites there are common issues such as traffic and highways, safety, flooding, landscape and visual amenity, dust and noise, health and wellbeing but there are also comments that are specific to individual sites.

For many, the absence of very detailed designs and assessments normally expected at the planning application stage provides little assurance or certainty that the sites can be delivered sustainably. This view is not shared by the developers/promoters of the site, Statutory consultees or your officers as the level of information required at the local plan stage is less detailed than a planning application, further information was supplied by developers after the last consultation and the site based policies set out a number of individual requirements to address areas of concern raised from previous consultation responses.

## Section 1: Introduction

### Introduction

At the Cabinet meeting in October 2016 it was agreed that the Minerals Plan would be published in accordance with regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Act 2012 and the necessary public consultation carried out. It was also agreed *“that following the next period of consultation and before submission of the Minerals Plan to the Secretary of State, a report be presented to Cabinet and to Council setting out responses to the Consultation exercise and subsequent analysis of those responses”*. Therefore, this report presents a summary of consultation responses and an analysis of the key points raised during the consultation. The analysis also includes a separate Topic Paper, where the main issues in respect of sand and gravel production and future supply for the plan requirement are looked at in much greater detail.

The consultation was held between Friday 9<sup>th</sup> December 2016 and Friday 3<sup>rd</sup> February 2017 – extended beyond the minimum 6 week period to take into account the Christmas holiday period allowing additional time to comment on the Plan. As set out in the Council’s Statement of Community Involvement (Adopted September 2016), methods for consultation have included:

- The Council website
- Press Notices in the local newspapers
- Responding to any invites requested by parish/district/borough councils
- On request, attending any Community Forum meetings
- Sending information and copies of Plan and consultation to parish councils, libraries and borough/district councils
- On request, attending mineral liaison committees
- Site Notices displayed on sites allocated within the Plan
- County Councillor briefings offered

This report aims to identify the main points raised by respondents in respect of whether the Plan:

- meets the four tests of soundness;
- is legally compliant; and,
- complies with the Duty to Cooperate.

It also seeks to provide a quantitative and qualitative analysis of the feedback received to the consultation using the relevant questions in the questionnaire.

This Summary of Consultation is not intended to repeat the feedback of consultation that was carried out at Preferred Options stage of the plan. A summary of all the objections at that stage was highlighted and responded to in a separate Report of Consultation which was reported back to Cabinet in October 2016 along with the draft Publication Plan.

### Purpose of the consultation

The Publication consultation is undertaken to seek views from communities, stakeholders and other consultees as to whether the plan meets the tests of soundness and other requirements set out in the National Planning Policy Framework. In other words whether:

- the Council has planned for the adequate and steady supply of sand and gravel to meet the County's future needs;
- the Minerals Local Plan is based on sound evidence and its policies justified;
- the requirements set out in the Minerals Local Plan can be delivered by 2032; and
- the Minerals Local Plan is consistent with national policy.

As part of plan preparation, communities have been consulted at various stages, table 1 sets out the stage and purpose of each consultation.

Consultation	Date	Purpose of consultation
Minerals Core Strategy – Revised Spatial Options	19.02.09 – 08.05.09	Consultation on emerging minerals plan
Minerals Plan – Preferred Option and Policies	19.10.15 – 04.01.16	Continuation from the Revised Spatial Options undertaken in 2009. Plan which included new sites (following a Call for Sites) and a review of the draft Plan in the context of new national planning policy and regulations relating to plan making.  The time lapse between stages was due to the urgency to produce and adopt the Waste Plan, in order to comply with the EU Waste Directive.
Focused Consultation	19.10.15 – 04.01.16	Consultation on 2 potential additional sites that had been submitted for plan allocation during the Preferred Option and Policies consultation.
Warwickshire Minerals Plan Publication 2016	09.12.16 – 03.02.17	Publication of plan before submitting to the Secretary of State – consultation on whether the plan is considered legally compliant, meets the test of soundness and complies with Duty to Cooperate.

**Table 1: Consultations undertaken for the minerals local plan**



### Structure of this report

As set out below (table 2), this report provides a structured analysis based on the layout of the questionnaire.

Section of report	Question as set out in questionnaire	Summary of section
Section 2: Responses received	<p><u>Part A of the Form</u> Please indicate your interest in the Minerals Local Plan</p> <p>Do you wish to be notified of future stages of the Minerals Local Plan?</p>	<p>This section shows how many responses have been received and gives a breakdown of type of respondent (i.e. whether they are a landowner, resident, interest group, etc.).</p> <p>It is noted that the majority of comments received have been from borough/district residents. It also includes how comments have been received (i.e. by email, post or online), and it gives a breakdown of what the representation relates to (i.e. whether it is a specific policy or paragraph within the text).</p>
Section 3: Soundness & legal compliance	<p><u>Part B of the Form</u> Q1: To which part of the Plan does this representation relate?</p> <p>Q2: Do you consider the Plan to be legally compliant?</p> <p>Q3: Do you consider the Plan to be 'sound'? If No, please continue to Question 4, otherwise please continue to Question 5</p> <p>Q4: Do you consider the Plan is 'unsound' because it is not:</p> <ul style="list-style-type: none"> <li>● Positively prepared</li> <li>● Justified</li> <li>● Effective</li> <li>● Consistent with</li> </ul>	<p>This section starts by identifying the policies (section or paragraph of the Plan) comments relate to, asks the question whether consultees felt the Plan is sound and legally compliant.</p> <p>Finishes with the main analysis of why the Plan is considered 'unsound' and / or not legally compliant. A significant amount of interest relates to site based policies, the amount of sand and gravel required for the plan and core strategy and development management policies.</p>

	<p>national planning policy</p> <p>Q5 - If you consider that the Minerals Local Plan is not legally compliant or is unsound please give details as to why you consider this to be so.</p>	
Section 4: How the Plan could be changed?	<p><u>Part B of the Form</u></p> <p>Q6 - Please set out any change(s) that you consider necessary to make the Minerals Local Plan legally compliant or 'sound', having regard to the test you have identified at Question 4 above where this relates to 'soundness'.</p>	<p>This section reports on the feedback received on what changes are required to make the Plan legally compliant or 'sound'. As would be expected most respondents commenting on the sites have requested that they be deleted.</p>
Section 5: The Duty to Cooperate	<p><u>Part B of the Form</u></p> <p>Q7: Do you consider the Minerals Local Plan complies with the Duty to Co-operate?</p>	<p>This section reports on responses relating to the Duty to Cooperate and whether the Plan complies. The Duty to Cooperate relates to named organisations including adjoining mineral planning authorities and not individual members of the public.</p>
Section 6: Attendance at examination	<p><u>Part B of the Form</u></p> <p>Q8: If your representation is seeking to make a change to the Minerals Local Plan, do you consider it necessary to participate in the oral part of the examination?</p> <p>Q9 - If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary.</p>	<p>This section reports on the amount of consultees that have requested to participate (or not) at the oral hearing of the examination and why.</p>

Section 7: Conclusion	n/a	This includes a summary of the key points of this report and how it relates to the aims of the consultation.
Appendices – Attached separately to this document	n/a	<p><i>Appendix 1:Glossary</i> - this gives a definition of the technical words used in this report</p> <p><i>Appendix 2: The Questionnaire Form</i> - this is a copy of the questionnaire form which was used for the consultation</p>

**Table 2: Report structure in context to the questionnaire**

## Section 2: Responses received

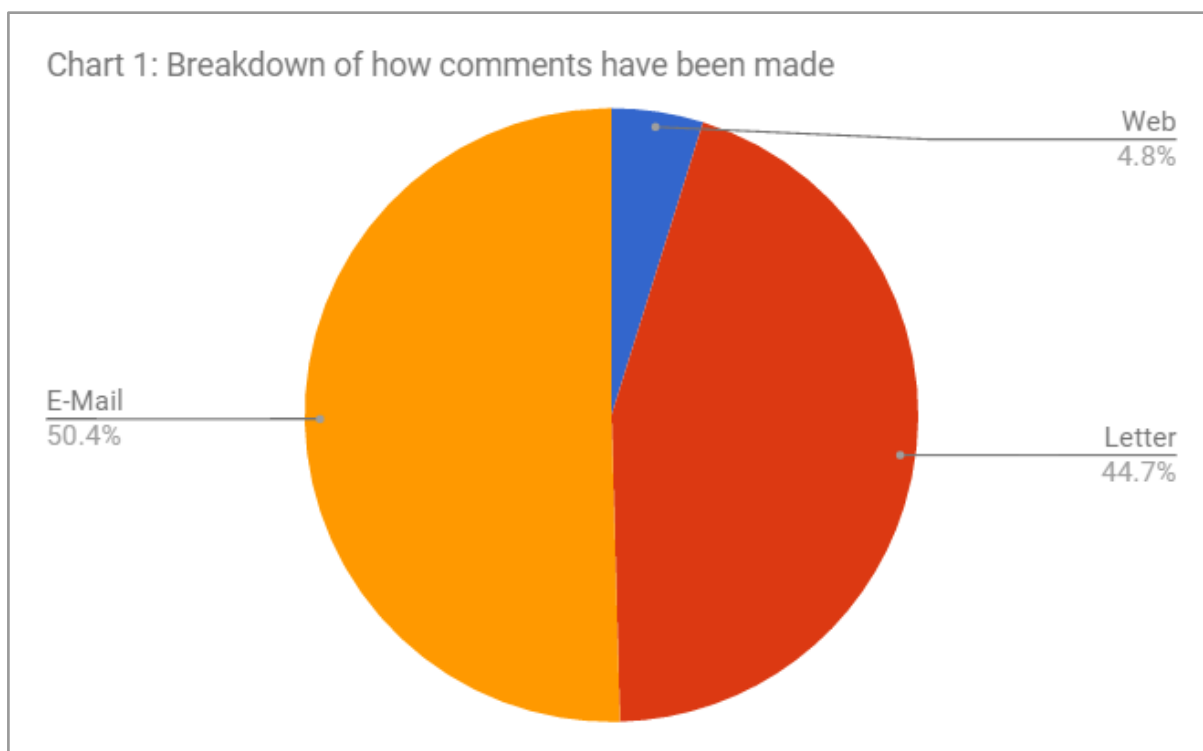
### Introduction

This section is a quantitative analysis that looks at the representations under Part A of the questionnaire. The key areas this section reports on are the:

- Number of responses received
- Method used to submit representations
- Type of consultee
- Breakdown of representations made
- Number of those who wish to be kept informed of future stages

### Consultation responses

A total of 684 representations were received from 283 respondents. The preferred method of making representations has been by email which accounts for 50.4% of all responses (345), then letter at 44.7% (306) and only 4.8% (33) using the web based online response facility - the consultation portal (OBJECTIVE).



Where respondents chose to submit a letter or an email, those representations have been uploaded specifically based on the questions set out on the form. This is a requirement of the Publication stage of the Plan where the questions specifically relate to issues of soundness and legal compliance as well as the Duty to Cooperate. This helps in the analysis of feedback and organisation of information when the comments are submitted to the Secretary of State for future examination.

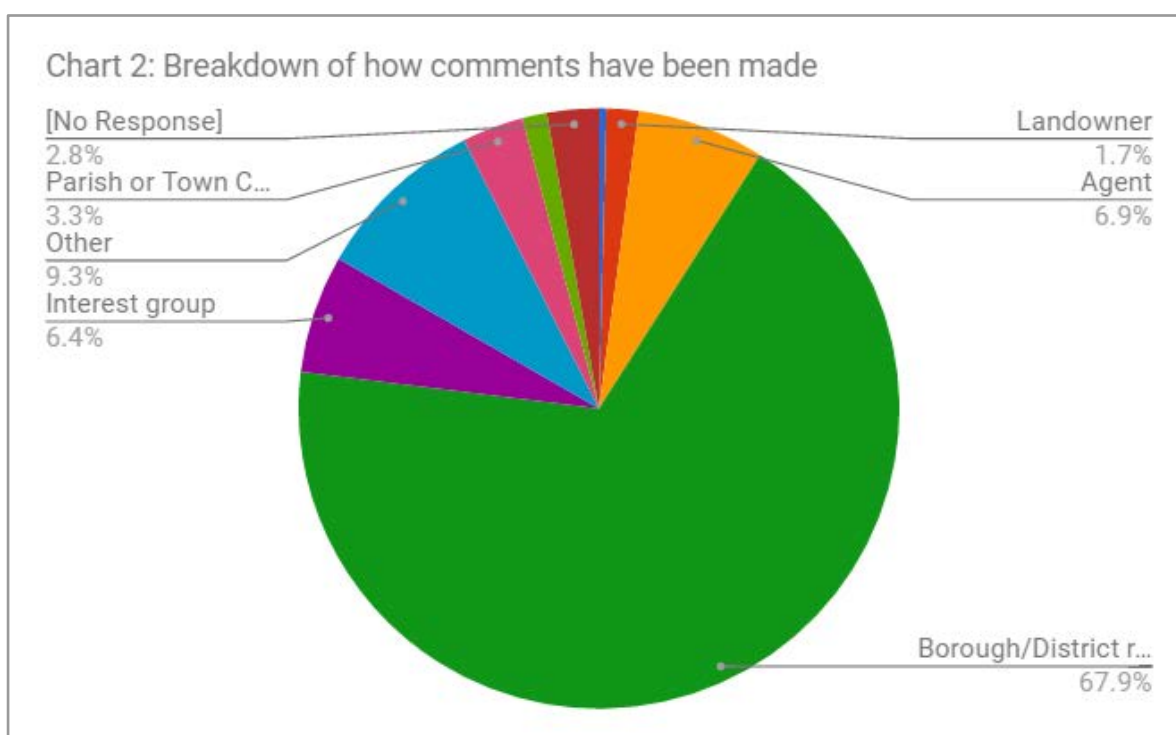
A total of 16 representations have not provided a name and address and there have been 12 late responses. A hard copy of these representations will be made available for the Planning Inspector, should he or she wish to view them at a future Examination in Public (EIP). These representations have not been included as part of the total representations submitted for the purposes of the consultation analysis here, as they are not considered to be duly made if they do not include name and address details or late.

### Part A of the questionnaire

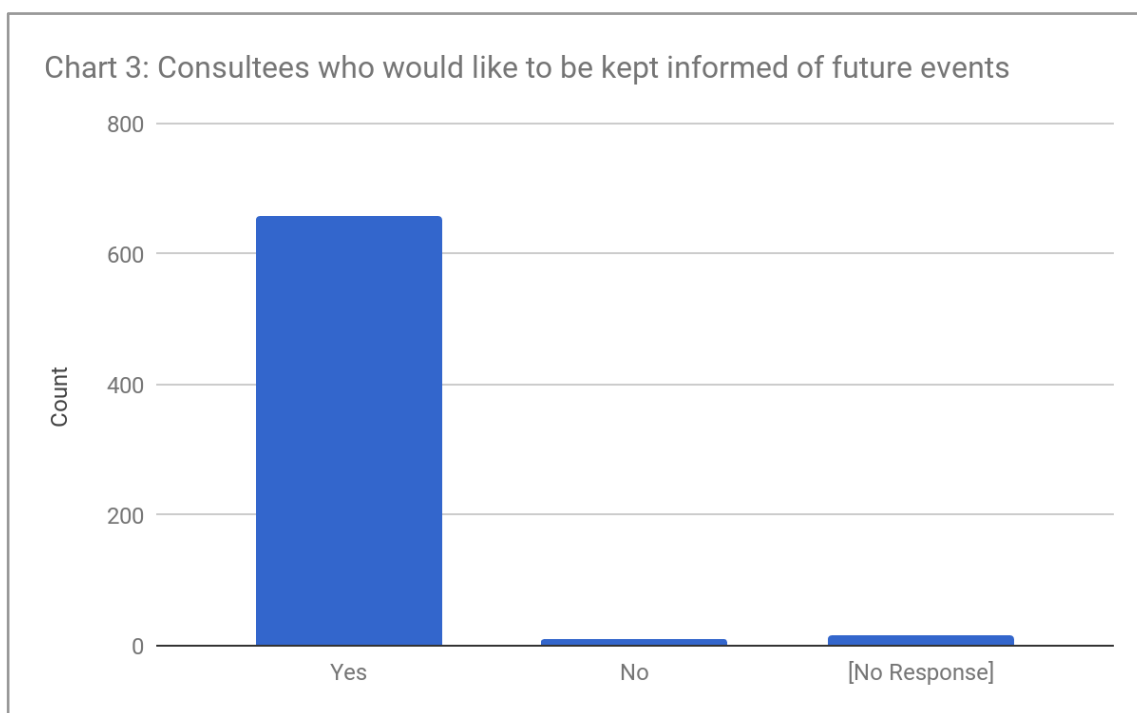
Part A of the questionnaire used for the consultation contained two questions:

- ***Please indicate your interest in the plan? and,***
- ***Do you wish to be notified of future stages of the plan?***

In response to the first question, a significant proportion of the responses were from district and borough residents (67.9%), representations made by agents (consultants) (6.9%), interest groups (6.4%) others such as statutory stakeholders such as the Environment Agency and Natural England (9.3%). Parish and Town Councils comprised 3.3% of responses and 2.8% of consultees who responded to the Plan, did not respond to this question (as shown on Chart 2). It should be noted that some respondents have indicated that they have more than one interest (i.e. interest group and district and borough resident).



In regards to the second question, responses show that a very high proportion of respondents would like to be kept informed of future events, 11 said no, they did not wish to be kept informed and 15 did not respond at all (see Chart 3).



### Observations

Based on the feedback presented in this section, the following observations are made:

- Electronic representations (either by email or online) accounts for over half of all responses (55.2%)
- Email is the favoured method for submitting representations (50.4%)
- Online representations accounted for only a small portion (4.8%) of the total responses received
- 67.9% of respondents were borough/district residents
- 96.2% would like to be kept informed of future events

### Web Responses

It is noted that there has been a particularly poor response rate for responses made on the web based software package known as "Objective". Only 4.8% of responses were made using this vehicle. By using this means to respond, respondents can ensure that all their comments are made in exactly the right sections. Otherwise, officers when inputting the data may have to decide to which one the respondent is referring, which may not always be obvious. This also has major implications for the timescale of the plan as it means officers have to spend a lot of time inputting all the data themselves, which is especially time consuming if the responses are sent in letter form through the post. This is one of the reasons why the plan has been slow in coming forward through each stage.

## Section 3: Soundness & legal compliance

### Introduction

This section provides feedback on the key issues raised during the consultation in context to whether the Plan is considered legally compliant and if it is 'sound' and the reasons for their response. Representations have been grouped into key issues (largely relating to site based policies) to help organise information easier for analysis and for reporting back. In addition to providing a commentary on the responses received, there is also officer observations on the appropriateness and relevance of the comments made for the continuation of plan making by the authority.

The questions analysed in this section relate to Part B of the questionnaire:

- *Question 1: To which part of the Plan does this representation relate?*
- *Question 2: Do you consider the Plan to be legally compliant?*
- *Question 3: Do you consider the Plan to be 'sound'? If No, please continue to Question 4, otherwise please continue to Question 5*
- *Question 4: Do you consider the Plan is 'unsound' because it is not:*
  - *Positively prepared*
  - *Justified*
  - *Effective*
  - *Consistent with national planning policy*
- *Question 5 - If you consider that the Minerals Local Plan is not legally compliant or is unsound please give details as to why you consider this to be so*

### **Question 1: To which part of the Plan does this representation relate?**

This question asks respondents to state which policy, paragraph or part of the Plan comments refer to. Chart 4 presents how many comments were received on each policy / section of the Plan. In summary, Section 1 (Introduction) received 48 comments, Section 2 (Policy Context) 4 comments, Section 5 (Key Issues for Minerals in the County) 10 comments and Section 9 (Development Management Policies) 10 comments.

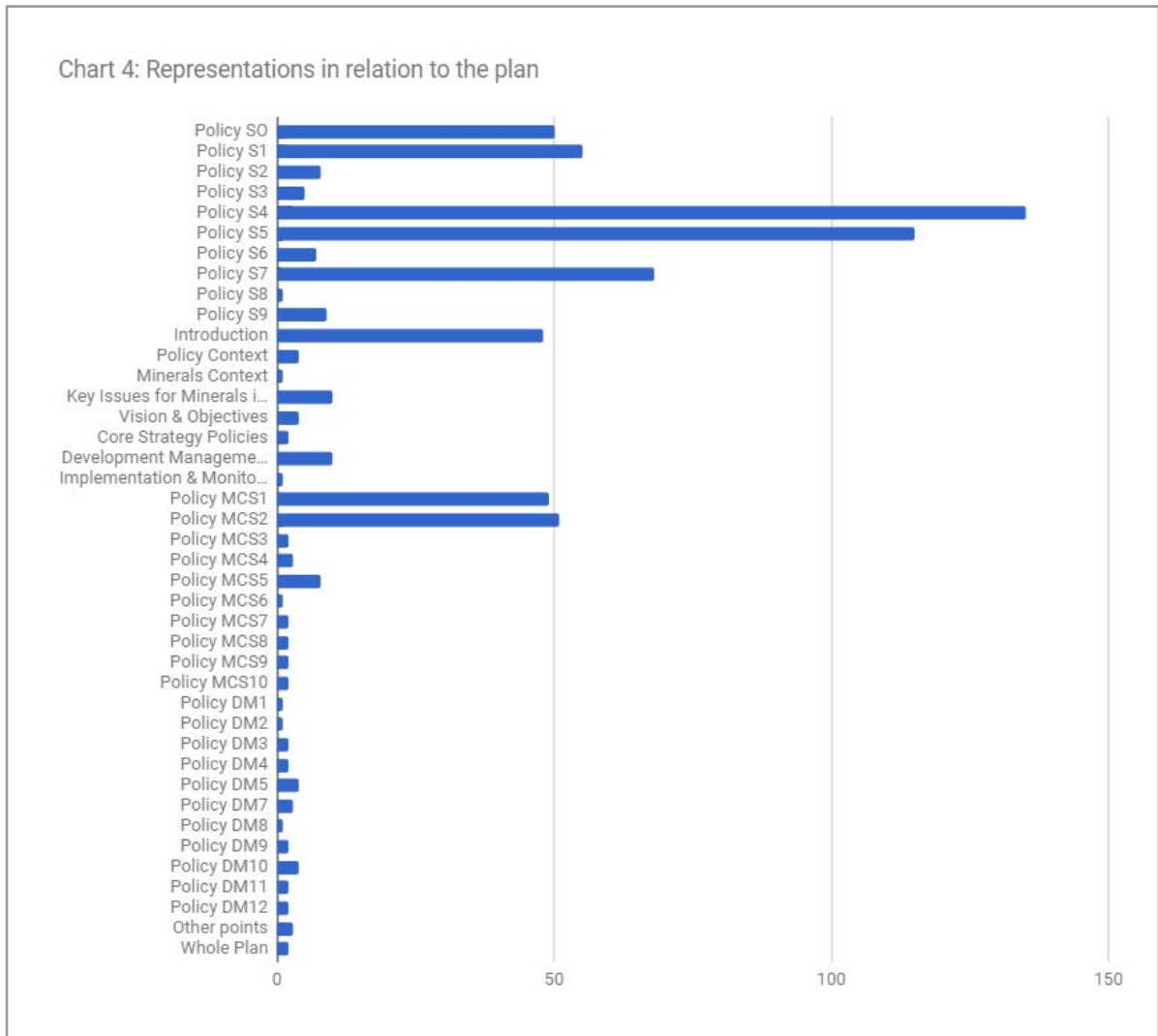
In Section 7 of the plan Policy SO (received 50 comments) provides the overarching policy for the allocation of sand and gravel sites within the County to meet future requirements. As shown in Chart 4, a large number of representations have also been made on the individual site allocation policies. Policy S1 (Bourton on Dunsmore) received 55 comments, Policy S4 (Land at Wasperton) 135, Policy S5 (Glebe) at 115 and Policy S7 (Lower Farm, Salford Priors) 68 comments.

Other notable policies that received large responses relate to the core strategy under Section 8. In particular, Policy MCS1 (Supply of Minerals and Materials) received 49 representations and Policy MCS2 (Sand and Gravel) 51 representations. Below is a list of the policies listed in Chart 4 that have been referred to in the consultation and the number of responses received:

- Policy SO Overarching Policy - Mineral Sites to be Allocated (50 comments)
- Policy S1 Allocation at Site 1 Bourton on Dunsmore (55 comments)

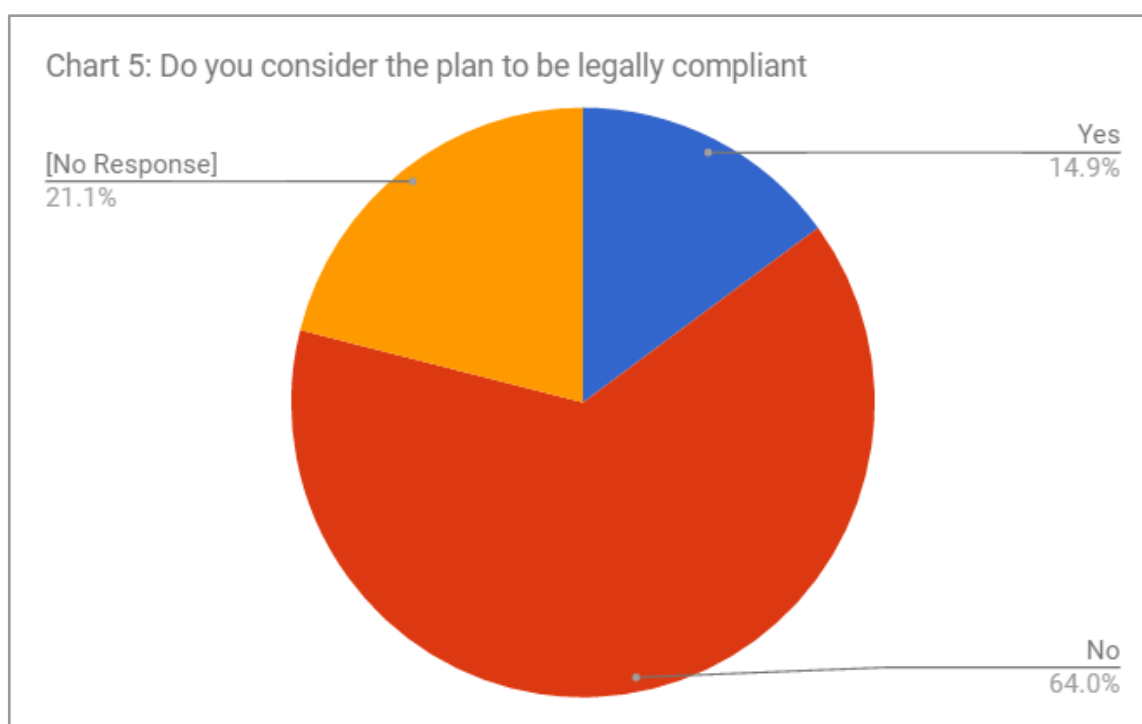
- Policy S2 Allocation at Site 2 Lawford Heath (8 comments)
- Policy S3 Allocation at Sites 3/32 Shawell Quarry (5 comments)
- Policy S4 Allocation at Site 4 Wasperton (135 comments)
- Policy S5 Allocation at Site 5 Glebe Farm, Wasperton (115 comments)
- Policy S6 Allocation at Site 6 Coney Grey Farm, Ryton (7 comments)
- Policy S7 Allocation at Site 7 Lower Farm, Salford Priors (68 comments)
- Policy S8 Allocation at Site 8 Broom Court Farm, Bidford (1 comment)
- Policy S9 Allocation at Site 9 Hams Lane, Lea Marston (9 comments)
- Policy MCS1 Supply of Minerals and Materials (49 comments)
- Policy MCS2 Sand and Gravel (51 comments)
- Policy MCS3 Crushed Rock (2 comments)
- Policy MCS4 Secondary and Recycled Aggregates (3 comments)
- Policy MCS5 Safeguarding of Minerals and Minerals Infrastructure (8 comments)
- Policy MCS6 Brick Clay (1 comment)
- Policy MCS7 Building Stone (2 comments)
- Policy MCS8 Coal Mining (2 comments)
- Policy MCS9 Conventional and unconventional Hydrocarbons (2 comments)
- Policy MCS10 Underground Coal Gasification (2 comments)
- Policy DM1 Protection and enhancement of environmental assets and landscapes (1 comment)
- Policy DM2 Warwickshire's Historic Environment & Heritage Assets (1 comment)
- Policy DM3 Green Infrastructure (2 comments)
- Policy DM4 Health, Economy and Amenity - Minimising the Impacts of Mineral Development (2 comments)
- Policy DM5 Sustainable Transport (4 comments)
- Policy DM7 Flood Risk and Water Quality (3 comments)
- Policy DM8 Aviation Safeguarding (1 comment)
- Policy DM9 Reinstatement, reclamation, restoration and aftercare (2 comments)
- Policy DM10 Mineral Safeguarding (4 comments)
- Policy DM11 'Whole Life' Carbon and Resource Efficiency (2 comments)
- Policy DM12 Overall Assessment of Proposals (2 comments)





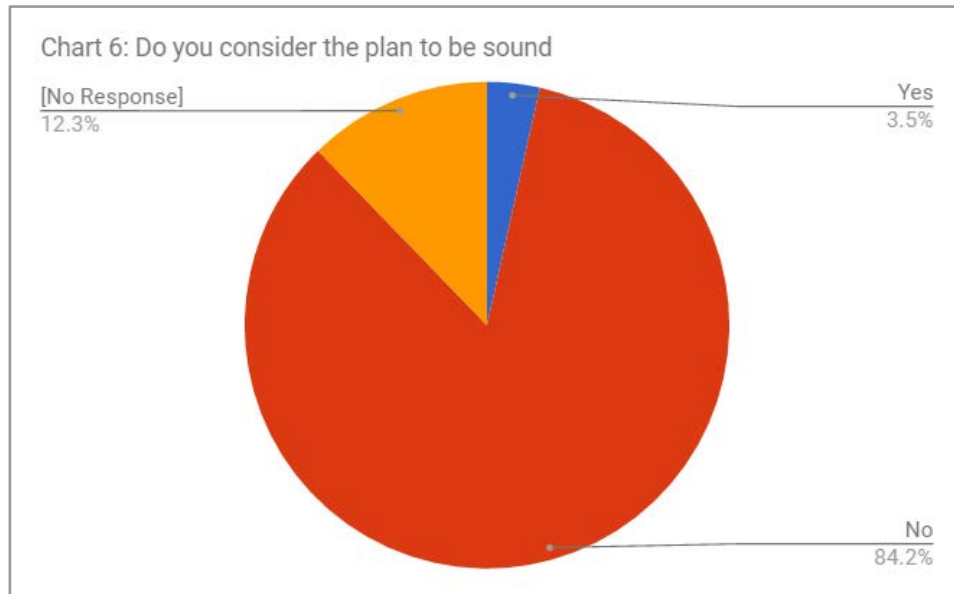
### Question 2: Do you consider the Plan to be legally compliant?

This question seeks views as to whether the Plan meets the legal and procedural requirements set out in the regulations such as whether the plan has been prepared in accordance with statutory procedures; the Local Development Scheme and whether consultation has been undertaken in accordance with the Statement of Community Involvement, the requirement for a Sustainability Appraisal has been met and whether a Habitat Regulations Assessment has been prepared as set out in the National Planning Policy Framework. Chart 5 presents the results of those respondents that answered the question, 64% felt that the Plan was not legally compliant, 14.9% felt it was and 21.1% did not respond. Most of those responding to this question did not point to a specific piece of legislative non-compliance by the authority but rather commented that the plan was unsound because a particular site had been allocated in the plan. Where a specific legal non-compliance was cited then it was focussed on the plan not having regard to national planning policy.



### Question 3: Do you consider the Plan to be 'sound'? If No, please continue to Question 4: otherwise please continue to Question 5

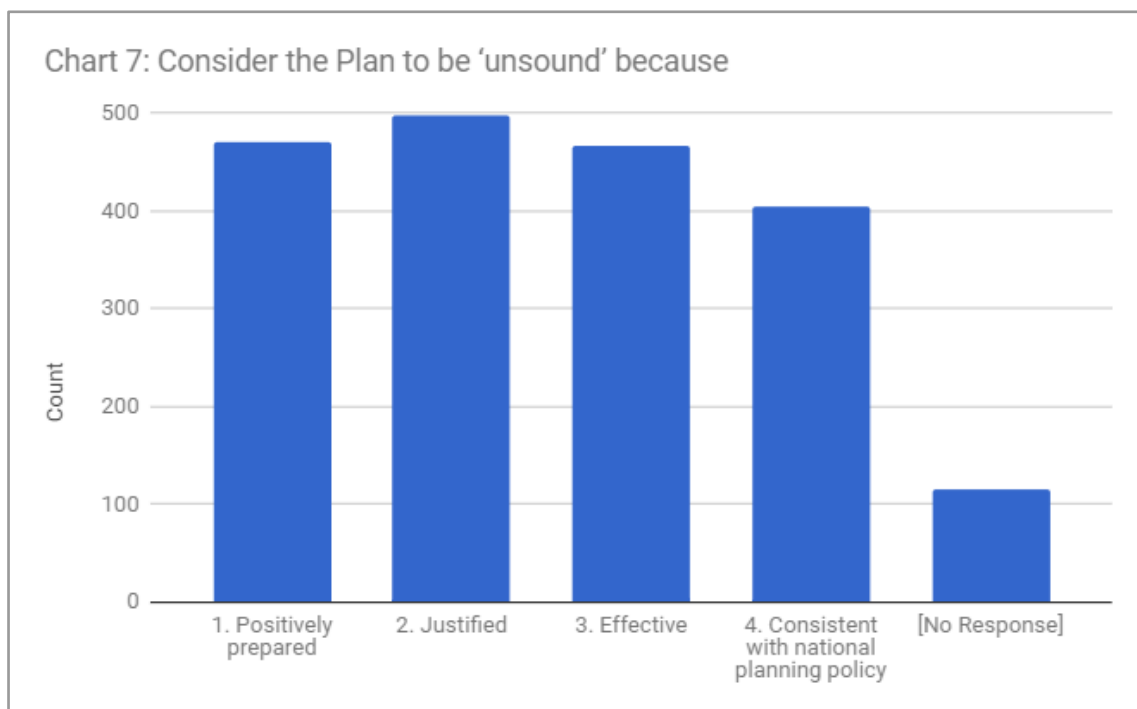
The test of 'soundness' relates to four areas: Positively prepared, Justified, Effective and Consistent with national policy. Consultees were asked if they considered the Plan to be 'sound'. Chart 6 shows the results of those respondents that answered the question, 84.2% felt that the Plan was not sound, 3.5% felt it was and 12.3% did not respond.



**Question 4: Do you consider the Plan is 'unsound' because it is not:**

- i. Positively prepared**
- ii. Justified**
- iii. Effective**
- iv. Consistent with national planning policy**

This question asks respondents that felt the Plan to be 'unsound' to state which or all of the four tests had not been met. As shown in Chart 7, there is a relatively even split between the four tests with Justified (ii) being considered the main reason why the Plan was felt to be 'unsound'.



**Question 5 - If you consider that the Minerals Local Plan is not legally compliant or is unsound please give details as to why you consider this to be so.**

This section now turns to the qualitative assessment that looks at why consultees felt that the plan is considered not legally compliant or unsound. As explained above, the majority of comments received relate to site based policies and the plan requirement for future sand and gravel extraction.

**Site based responses**

The summary below provides feedback and officer commentary on the site allocation policy responses.

Policy SO Overarching Policy - Mineral Sites to be Allocated

According to respondents the level of tonnage in the policy required to be met by the allocations is far in excess of what it actually required if the correct calculation methodology is used. They believe that the actual tonnage required is 1.899 million tonnes and the number of sites required to meet this tonnage should be revised and reassessed accordingly. The cumulative impacts of sites within the Rugby and Coventry area have not been thoroughly assessed and Site 12 has been unreasonably omitted from the plan.

**Officer observations** - *the Topic Paper addresses in more detail the comments made about the required amount and how it has been calculated. There is a clear difference in opinion about the calculation methodology and how it should be applied taking into account the particular circumstances in Warwickshire with its very low production rate and reliance on one particular site. Officers have checked its methodology and its application with the Aggregates Working Party, the plans of other authorities and locally based evidence. Site selection was based on a robust process set out in the Site Assessment Methodology for Allocating Sand and Gravel Sites (October 2016). Further assessments will be required if the plan requirements are lower than previous consultations. Detailed assessments will also be required at planning application stage where more details would be provided by the applicant to objectively assess the environmental impacts of the development and the mitigation measures required to minimise any potential impacts as a result of the development. Site 12 will have to be reassessed in the light of the comments made.*

Policy S1 Allocation at Site 1 Bourton on Dunsmore

A number of respondents have referred to representations made by an agent on behalf of the parish council. These comments relate to the removal of this site (and therefore the policy) on the basis that it fails the test of 'soundness' as the Plan over provides on sand and gravel and therefore the site is not needed.

**Officer observations** - *The Topic Paper deals with this matter in more detail especially the claim that the plan over provides which is disputed. Whether the site is needed as an allocation is a separate matter to be determined at a later stage.*

If the policy remains in the plan, then the site should be restored to wetlands due to unacceptable risk of flooding and contamination of drinking water. There are also concerns that the restoration will not be to a satisfactory standard and / or carried out at an acceptable rate causing a delayed onset of blight. Restoration will not be to the original levels and this

will have adverse visual effects due to changes in the local landscape which cannot be accommodated.

**Officer observations** - *The Plan envisages that the site could be restored to agriculture and to nature conservation uses using where feasible imported inert fill and lowering the level of the land. Moreover restoration of sand and gravel sites will be determined as part of the planning application process where detailed information will be available.*

Concerns have been raised that development would pose a serious risk from flooding within the immediate locality and further beyond. A report submitted as additional information on water and hydrology claims that the site is 'a catchment reservoir acting as a sponge for rainfall that eventually drains down to the River Leam' - this report has been referred to by a number of respondents. Representations have also been submitted in relation to the landscaping/screening of the site.

**Officer observations** - *The issue of flooding was raised in the previous consultation but as reported previously the Environment Agency do not object to the inclusion of the site and that remains their position. Any planning application for mineral extraction would require a Flood Risk Assessment to address any potential flood impacts and potential mitigation measures. Landscaping and screening would be dealt with at planning application stage when more detailed design and assessments would be available.*

Representations suggest the need for a Transport Assessment (TA) as part of when a planning application is submitted that identifies any transport mitigation measures required. Additionally, traffic and routing of HGVs should be agreed to avoid the B4453 (Straight Mile) to the south-west of the A45 as part of any planning application submitted for mineral extraction. There has been dissatisfaction expressed in relation to the existing capacity of the local infrastructure, in particular, road junctions and traffic light management and the ability to manage traffic generated by mineral working at the site.

**Officer observations** - *Any planning application for mineral extraction would require a Transport Assessment to identify any potential highways issues and potential works and measures to address any issues.*

Site 1 (Bourton on Dunsmore), Site 2 (Lawford Heath) and Site 6 (Coney Grey Farm, Ryton) are in close proximity to each other and is unbalanced in terms of location around Rugby and the Coventry area.

**Officer observations** - *Extraction can only take place where there are minerals. The spatial strategy in the plan reflects the need for sites for sand and gravel only, the need to maintain supplies until 2032, the desire to reduce further transport distances and use main transport routes and to support growth and infrastructure in main settlements and county based markets and external markets such as Coventry.*

Issues also mentioned include:

- Dust, pollution, noise and traffic

- Air quality - impact on local area
- Cumulative impacts with Site 2 (Lawford Heath)

**Officer observations** - *Site assessments have been carried out as part of the site selection process and any detailed studies would be submitted as part of the planning application process. An environmental assessment would identify any potential issues and impacts and the measures required to address them.*

#### Policy S2 Allocation at Site 2 Lawford Heath

The boundary of the allocation has been revised and the operator supports this, therefore it is considered justified and 'sound'.

**Officer observations** - *Your officers agree.*

A respondent has requested that due consideration should be given in relation to the following:

- Allocation of residential and employment land southwest of Rugby - as identified in the Rugby Borough Local Plan
- Scheduled Ancient Monuments to the northwest

**Officer observations** - *Site assessments have been carried out as part of the site selection process and the matters raised have been taken into account when allocating sites and determining the phasing of working.*

#### Policy S3 Allocation at Site 3/32 Shawell Quarry

As noted in the previous consultation, there have been concerns relating to traffic congestion raised along with suggestions that appropriate mitigation should be implemented.

**Officer observations** - *The land will be worked back to the existing plant site at Shawell Quarry in Leicestershire by overland conveyors and therefore there will be no access direct from the allocated sites. The continuing suitability of the existing access in Leicestershire will be determined through a Transport Assessment submitted as part of a planning application.*

Representation has been made to ensuring that there is adequate landscaping and screening of the site remains an issue as well as noting that the site is within flood zone 1.

**Officer observations** - *These matters will be dealt with at the planning application stage.*

#### Policy S4 Allocation at Site 4 Wasperton

Many of the comments received have been raised in the previous consultation, this includes:

- Traffic
- Effects of increased noise and dust on the communities
- Blight
- Loss of agricultural land

- Impacts on health
- Heritage assets
- Visual amenity and on landscape
- Lack of evidence to substantiate claims that the site can be properly restored
- Better site options available

**Officer observations** - *Specific issues that have been raised have either been assessed as part of the site assessment process or / and will be further assessed as part of the planning application which will include an Environmental Impact Assessment (EIA). Issues relating to blight are not planning matters.*

Concerns have been raised relating to the existing local highway network and that it cannot accommodate the development of the site and that sites considered by the council elsewhere in the county of lower quality agricultural land have been unreasonably discounted.

**Officer observations** - *The Highways Authority have been consulted and have not raised any objections. Additionally, a detailed transport assessment will be required to accompany any planning application submitted for the extraction of sand and gravel. There are very few sites, if any, of the right size, right location, free from other constraints and having solely Grade 3b or 4 agricultural land. One of the possible sites contains no viable resources, one site has been granted planning permission and another cannot be delivered during the plan period and immediately beyond. Finally another site has been withdrawn.*

Many people have raised concerns about the health implications of sand and gravel extraction even though some recognise that the proposed site is to be located further away from Barford village where there are a number of sensitive receptors.

**Officer observations** - *The proposed site is located further away from Barford Village which will help minimise any potential health impacts. In guidance which is now out of date but referred to by a number of respondents the government said that good practice measures should ensure that the health effects of dust are adequately addressed. The guidance recognised that the relationship of the activities within mineral workings to surrounding land uses will vary from site to site. If PM10's were likely to exceed the Air Quality Objective for the site then you need to assess the impact and effectiveness of any mitigation and determine whether any impact was significant. This can only be achieved through the consideration of detailed designs and assessments submitted at the planning application stage. A health impact assessment will be required and will form part of the environmental statement.*

The Court of Appeal decision in 1992 and the subsequent Secretary of State's reconsideration of the planning appeal relating to a planning application submitted in 1987 to work minerals at Wasperton, is felt by many respondents to be still relevant and sufficient to reject the allocation of Site 4.

**Officer observations** - *The 1992 Court of Appeal decision dealt with inadequate reasoning for a planning appeal decision by the Secretary of State based on a 1987 planning*

*application. It did not say that mineral extraction could not take place at Wasperton at that time or even in the future. The re-determined 1987 scheme was found to be not acceptable in terms of the development standards and policies being applied at that time and because real supply exceeded real need.*

Those responding are clearly not convinced that the site can be restored back to the site levels and agricultural land quality which exists today and the County Council's attention has been drawn to the failure to properly restore a similar site south of Wasperton village in the 1980's.

**Officer observations** - *The developer proposes to restore most of the area back to agriculture including all the BMV land with suitable inert material. The water table is not a limitation on restoration. The site is unlikely to be water logged. The developer believes the volumes of inert wastes needed are relatively modest and should be available over the period of the development. The land is unlikely to be lowered. A good restoration scheme supported by planning conditions and regular monitoring by the planning authority and the landowners should ensure that the site is properly restored avoiding the past problems on other sites. The landowners have indicated that they intend to appoint specialist consultants to ensure that the site is properly restored to high quality agriculture. However, there are recent examples where restoration has been carried out to a very good standard this includes an extension to Bubbenhall Quarry (now handed over to Warwickshire Wildlife Trust).*

The County Council is criticised for not seeking in depth and informed independent assessments of all aspects of the proposals to work minerals at the site. For most respondents the lack of detailed proposals with associated evidence and assessments should be sufficient to discount the site from allocation even at this local plan stage.

**Officer observations** - *The County Council understands the concerns of local residents but the level of information required at the local plan stage is very different to that expected when planning applications are submitted. Developers did submit further information in support of their sites after the last consultation to address the many issues raised by local communities. But, the view of your officers is that consideration of how mineral extraction might affect certain elements alongside possible harm from other factors which are capable of mitigation is best dealt with when a planning application is submitted.*

There are a number of references to the failure to consider the adopted Barford Neighbourhood Development Plan and its planning policy protecting future development of agricultural land from irreversible loss.

**Officer observations** - *The designated neighbourhood plan area for Barford does not include Site 4 Wasperton. The northern boundary of the proposed allocation lies 350m to the south of the village.*

#### Policy S5 Glebe Farm, Wasperton

Many respondents have repeated concerns expressed relating to working sand and gravel at Site 4, for Site 5. The comment in the plan that the site cannot be developed as a standalone



site, would suggest that it should not be considered as an allocation in association with Site 4.

**Officer observations** - *The professional judgement of your officers is that Sites 4 and 5 cannot be developed as separate standalone sites as this would require the need for two processing plants and two accesses onto the A429. The Highway Authority is opposed to two accesses onto the A429 and two processing plants would have adverse impacts on the landscape and visual amenity and increase potential noise and dust emissions This does not mean that Site 5 cannot be physically worked back to Site 4 by overland conveyors but the consolidation of two proposals into one scheme is a sensible approach to the comprehensive working of minerals in this location minimising the prospect of possible sterilisation of a valuable resource.*

For those with particular concerns about Site 5 past issues about viability and deliverability remain. They dispute the promoter's claims that the site can release 300,000 tonnes due to the need to provide separation distances from properties and access road and that the site can be worked without significant adverse impacts.

**Officer observations** - *The developer does not agree that the site is too small. The developer recognises that the recoverable reserve within the site is modest but it is of high quality. The available tonnage takes into account appropriate environmental safeguards. The developer confirms that the site is viable. Your officers have considered this matter but do not have any evidence to contradict the claims of the developer.*

The role of the County Council as promoter as well as plan-maker is felt to be in conflict and driven by vested financial interests rather than the proper planning of the area.

**Officer observations** - *There is no restriction on who can promote sites through the Local Plan. The County Council's Property Services proposals have been treated in exactly the same way as other proposals by the Mineral Planning Authority. The Council owns the land and the minerals. There are no restrictive covenants that prevent the land being developed for mineral extraction.*

#### Policy S6 Allocation at Site 6 Coney Grey Farm, Ryton

As noted in the previous consultation, there are concerns relating to traffic and that it should be routed via the A45.

**Officer observations** - *It is understood that the site will be accessed from the existing roundabout on Oxford Road (A423). The route between the site and existing quarries is largely on "A" class roads which are suitable to take large vehicles (HGVs). There are no objections from the Highways Authority. A safe and suitable access can be achieved and the road network has the capacity to take the increase in HGV traffic.*

Consideration should be given to great crested newts in the area as well as the fauna and flora.

**Officer observations** - Protected species surveys and the provision of suitable measures to protect and where appropriate enhance the special features of Brandon Marsh SSSI and Ryton Woods SSSI and the River Avon LWS and Siskin Drive Bird Sanctuary LWS will be required. These form part of the Environmental Statement to accompany the planning application required to implement this allocation.

The site is within flood zone 3.

**Officer observations** - There is no objection from the Environment Agency to the inclusion of this site. Any planning application for mineral extraction would require a Flood Risk Assessment to address any potential flood impacts and potential mitigation measures.

#### Policy S7 Allocation at Site 7 Lower Farm, Salford Priors

A number of responses have referred to a detailed report (an environmental report covering several subject areas) produced by "Salford Priors Against Gravel Extraction" (SPAGE). It is stated that this report has not been acknowledged, considered or responded to by WCC.

**Officer observations** - The report was handed to Members on the day at Cabinet in 2016. The document was received well outside the consultation period on the previous local plan consultation which was being reported to members and therefore as a matter of fairness and reasonableness could not be considered. It has been referred to in responses to this consultation and therefore can now be taken into account in determining the suitability of the site for allocation.

Respondents have raised concerns relating to the potential impacts of quarrying in particular fine silicate dust will be a human health hazard.

**Officer observations** - Good practice measures should ensure that the health effects of dust are adequately addressed. The relationship of the activities within the mineral workings to surrounding land uses varies from site to site. If PM10's are likely to exceed the Air Quality Objective for the site then the developer will need to assess the impact and effectiveness of any mitigation and determine whether any impact was significant. This can only be achieved through the consideration of detailed designs and assessments submitted at the planning application stage. A health impact assessment will be required and will form part of the environmental statement.

Impact on ecology has been mentioned several times however, specific reference is also made to turtle dove.

**Officer observations** - Protected species surveys will be required. There is unlikely to be any loss of habitats or protected species due to the small area of working, the configuration of the site and phased working and restoration.

Information was requested from WCC, however, this was not provided on the basis that WCC considered the information as commercially sensitive at the time.

**Officer observations** - Information was requested from WCC as the developer and therefore was a matter for the developer to consider in terms of its commercial sensitivity.

Comments have been received to site arrangements, in particular, the site will have two access points and material will be transported from the southern site to the northern site for processing. Respondents dispute the amount of material that will be transported for processing and that this would affect the highway (B4088) and that it would be more sustainable to either have a conveyor belt linking the northern and southern site or a controlled crossing. Representations have also included the suggestion to seek agreement with the Marsh Farm landowner to use their access.

**Officer observations** - It is proposed to have one access off the B4088 to the northern half of the site if the existing access road to Marsh Farm Quarry cannot be utilised. The B4088 is suitable for HGV use. No objections have been raised from the Highway Authority. Two separate crossing points will be linked to the phasing of working of the site to minimise the impacts on School Road. The crossing points will only be active during the campaign period providing the flexibility to close them at certain hours to reduce the impact on the school timings and avoid congestion at peak times.

There has been no timescale for the second phase for extraction - this could become open ended and not possible to judge the effectiveness of the plan. This would compromise the soundness of the Plan.

**Officer observations** - Production from the site is expected to provide capacity during the plan period. The duration of works is dependent on the design and development of the quarry and in particular the rate of production and market availability. The rate of production will be influenced by the planning controls put in place to minimise impacts on amenities.

There is concern about Severn Trent works near to the site adjacent to residential properties.

**Officer observations** - The works undertaken by Severn Trent are not in relation to this site and residents have been advised to contact the appropriate parties.

Representation claims that informing communities via public notice is insufficient and accessibility to information limited to libraries to those that do not have access to a computer. Furthermore, electric formation was difficult and off-putting.

**Officer observations** - WCC sent hard copies of the Plan and associated information to libraries, parishes, planning receptions at borough/district councils, main reception at Shire Hall and placed information on the WCC website. A guidance note was issued to provide additional information on the processes and how to make comments.

Respondents felt that the Plan is 'unsound' as it is not justified in terms of sustainability or its effectiveness in delivery.

**Officer observations** - WCC have followed national planning policy, national planning guidance and consulted with appropriate consultees throughout the plan making process. Assessments that have informed the plan production including the Sustainability Appraisal Report, Local Aggregates Assessment, Habitats Regulations Assessment and Site Identification and Assessment Methodology.

The consultation process has been reported as being superficial and a box-ticking exercise.

**Officer observations** - Consultation on the plan has been in accordance with the adopted Statement of Community Involvement.

A representation has been made referring to the Salford Priors Neighbourhood Plan, in particular, that WCC has commenced work on the Minerals Plan independently and without consultation or recognition of the Neighbourhood Plan. Therefore, conflicts with national planning policy and undermines the Neighbourhood Plan.

**Officer observations** - WCC have commented on the draft and submitted Neighbourhood Development Plan which now has been made by Stratford District Council. There is nothing in the made NDP which is likely to conflict with the allocation of the site in the minerals local plan. The reference to Protected Open Spaces has now been deleted from the NDP.

Respondents felt that Plan maybe legally compliant, however, they felt that comments from previous consultations had been dismissed as irrelevant. Additionally, others felt that their comments had not been acknowledged and/or adequately taken into account in the consultation report that was presented to Cabinet (October 2016) in relation to the previous consultation. Set out below are the representations that featured in the previous consultation:

- Site location not environmentally acceptable - more sustainable alternatives
- Site covers both Warwickshire and Worcestershire markets - only Stratford would benefit within Warwickshire
- Site is not close to any main settlement
- A 100 metre stand off from properties would reduce the overall tonnage of sand and gravel, therefore, affecting the viability of the site for extraction
- Land is in agricultural use
- There is an overhead electric line that runs diagonally across the northern site
- There is an understanding of the need for raw construction materials were recycled material is either insufficient or not available
- Marsh Farm quarry, near to Salford Priors has impacted in relation to vehicle movements, highway safety, noise and dust pollution
- Devalue of properties and blight
- Activities would result in distress to village life - not justified
- Conflict of interest - WCC is the landowner and would financially gain from extraction
- Mud on the road
- HGVs travelling along School Road near to the school - school threat of closure as a result of quarry

- Proximity to Park Hall Complex and properties on the boundary - impact on residents in terms of noise and particulate pollution
- Contradicts parts of the Minerals Local Plan, including the Sustainable Community Strategy and Vision and Objectives
- Retain existing hedgerows
- Sustainability not based on sound evidence and contains contradictions
- Flooding - it is felt that extraction of sand and gravel would remove the 'sponge effect' during heavy rainfall - there is also a technical report provided. Nearby properties would be affected by this and that WCC has not sufficiently considered effects of this
- Risk Assessment - injuries relating to quarry activities
- Quality of life/wellbeing as a result of quarry activity
- Visual and wildlife
- Impact on the local economy includes a bed and breakfast that forms part of a home and public house
- Dissatisfaction with WCC officers at community meeting

**Officer observations** - *All these matters were considered by officers and responses given in the Consultation Report submitted to members in October 2016. None of them were sufficient to change the officer's view that a site could be allocated in this part of the county.*

#### Policy S9 Allocation at Site 9 Hams Lane, Lea Marston

One of the key points made by those responding to Site 9 is that it could be replaced by the combination of Sites 10, 11 and 12 and surrounding land as these sites will be directly affected by works to construct HS2 and its Railhead and that they allegedly contain the same mineral resource.

**Officer observations** - *Sites 10 and 11 were rejected because they were directly affected by HS2, too small, the potential impacts on adjacent properties and land uses, landscape and visual impact and viable resources were not confirmed. Site 12 was rejected because it is directly affected by HS2, impact on heritage assets, visual impacts and viable resources were not confirmed.*

There are particular concerns that the current extent of the HS2 and Railhead works have not been factored into the decision to allocate the site into a locality where substantial development and associated impacts are to take place for the next decade. One respondent has suggested that working the site should be deferred until after HS2 is constructed to reduce the impact on the locality. HS2 may also require land where materials will need to be worked (borrow pit) if there is a material requirement shortfall in the project even though none have been requested by the developer of HS2 so far.

**Officer observations** - *This site is required to supply materials to the general construction market in the general area and beyond. Detailed concerns about the impact of working this site and the HS2 project will be considered at the detailed planning application stage or by the HS2 project. Reference has been made to HS2 in the document. The site could be worked out during the plan period and therefore within the lifetime of the construction works for HS2.*

The ability to separately access the site and accommodate vehicle movements on the local highway network when local roads will be expected to take a substantial increase in construction traffic arising from HS2 is also questioned although another respondent suggests flexibility be inserted into the site allocation policy to allow access to surrounding A roads.

**Officer observations** - *there will be some cumulative effects of working the site with the HS2 project but they will be temporary. However, there may be opportunities to improve the restoration of the site. By using an overland conveyor and working the site back to Dunton Quarry some effects can be minimised. Phased working and restoration will help minimise any potential adverse impacts.*

There is a call for more emphasis to be placed on restoring the site to biodiversity and another to provide more flexibility in the final restoration options.

**Officer observations** - *Whilst the County Council recognises that the site occupies a location which could provide opportunities for increased biodiversity and ecological linkages the level of prescribed provision for biodiversity must be balanced against the policy objective (NPPF paragraph 143 eighth bullet point) of safeguarding the long term potential of best and most versatile agricultural land. The wording in paragraph 7.33 in the plan strikes the right balance. The issue can of course be revisited at the planning application stage when all the information and evidence in support of the proposals will be available.*

### **Specific core strategy and development management policies**

This part of the section provides a summary of representations received relating to specific core strategy and development management policies:

#### MCS 1 Supply of Minerals and Materials

Some respondents are seeking the inclusion of a quantified provision including an appropriate figure or target figure as a minimum for alternative aggregates in the policy and for alternative materials to be given first priority in terms of future supply and in calculating the local plan requirements and determining future planning applications. Others require the policy to be worded in strict compliance with the wording in the NPPF and for it to be less restrictive about non allocated sites.

**Officer observations** - *This is dealt with in more detail in the Topic Paper. While the County Council understands that such information might be helpful in providing clarity and certainty in terms of amounts of provision for secondary and recycled aggregates to be made, the demand, market, type and quantity of feedstock, limited product range and calculation methodology must all be capable of rigorous assessment and scrutiny and agreement between the relevant parties. In the opinion of the County Council such a situation in Warwickshire is plainly not evident at this time. There is no agreement on what the "amounts" relates to. Do they relate to permitted capacity, production or sales? Where there is noncompliance with the wording of the NPPF then the policy ought to be revisited.*

#### MCS2 Sand and Gravel

It is felt that the approach taken is erroneous in that the wrong figures have been used, no account appears to have been taken of current permitted reserves and the recent approval at Brinklow Quarry, and provision has been made beyond the end of the plan leading to an overprovision which is not justified. The figures in the policy do not match those in the latest local aggregate assessment. The policy is also felt not to be sufficiently flexible to respond to changing circumstances. Other respondents require the policy to be worded in strict compliance with the wording in the NPPF and be less restrictive about non allocated sites.

Concern raised that the Plan is based on an average of 10 years sales data as referred to in the LAA (October 2016) and that it should be more based on 3 years sales data to show a general trend of demand. The 3 year average is lower than the 10 year average and that the Plan is unsound as it over estimates the demand for sand and gravel.

**Officer Observations** - *This matter is dealt with in more detail in the Topic Paper. In view of the need to take account of any reassessment of reserves at sites, the required 7 + year landbank to be provided throughout the plan period and any contingency for the fragility of the current productive capacity in the county, the likely impact of future processing plant closures, the expiration of planning consents for mineral infrastructure, the lack of investment in new or replacement sites, the apparent reshaping of the local minerals industry in response to the recession, the very low number of continuing operational sites, the possible geographical disparity between future growth and existing quarries and the need to minimise reliance on imports there is some justification for providing the provision set out in the plan.*

#### MCS 3 Crushed Rock

Respondents require the policy to be worded in strict compliance with the wording in the NPPF and also for it to be less restrictive about sustainable extensions to existing sites.

**Officer Observations** - *Where there is noncompliance with the wording of the NPPF then the policy ought to be revisited. The policy reflects the known position on crushed rock resources in the county and the impact of possible constraints, the limitations on further development at Mancetter Quarry, the potential for other sites to be reactivated as demand increases, and the level of imports into the county.*

#### MCS 4 Secondary and Recycled Aggregates

This policy is supported by one respondent but another wishes it to be strengthened as regards to Dunton Quarry.

**Officer Observations** - *The importance of the site is mentioned in the reasoned justification and that can be used when planning applications are submitted in the future to make the site permanent.*

#### MCS 5 Safeguarding of Minerals and Minerals Infrastructure

Some respondents believe that the wording does not deliver an effective mineral safeguarding policy with its reliance on small scale geological resource mapping. The inclusion of specific Mineral Consultation Areas is seen as a possible solution to the problem providing more accurate large scale mapping. The absence of specifically defined separation

distances around all key minerals infrastructure in the county is felt to be unsound. Others require clarification on mapped areas when resources are exhausted. There is also support for the policy wording. Concern has been expressed that the policy should not prejudice or impede development in the Rugby area.

**Officer Observations** - *Some further clarification of the policy and its application may be beneficial.*

#### MCS 6 Brick Clay

The policy is felt not to be worded in strict compliance with the wording in the NPPF. Elsewhere the need to recognise a specific supply arrangement for clay to a neighbouring area has been flagged up.

**Officer Observations** - *The supply arrangement needs to be acknowledged. Where there is noncompliance with the wording of the NPPF then the policy ought to be revisited.*

#### MCS 7 Building Stone

One respondent feels that the policy should omit implications that dimension stone production needs to be controlled or curtailed. Another is concerned that the policy restriction in the Cotswold AONB will increase pressure to work materials elsewhere which is unlikely to be sustainable.

**Officer Observations** - *The policy will be reviewed.*

#### MCS 8 Coal Mining

This policy is supported by one respondent but one respondent requires the policy to be replaced by a single policy with a presumption against fossil fuel extraction.

**Officer Observations** - *A single policy with a presumption against fossil fuel extraction would not be consistent with national policy set out in paragraphs 147 and 149 in the NPPF and therefore is unsound.*

#### MCS 9 Conventional and unconventional Hydrocarbons

This policy is supported by one respondent but one respondent requires the policy to be replaced by a single policy with a presumption against fossil fuel extraction.

**Officer Observations** - *A single policy with a presumption against fossil fuel extraction would not be consistent with national policy set out in paragraphs 147 and 149 in the NPPF and therefore is unsound.*

#### MCS 10 Underground Coal Gasification

This policy is supported by one respondent but one respondent requires the policy to be replaced by a single policy with a presumption against fossil fuel extraction.



**Officer Observations** - A single policy with a presumption against fossil fuel extraction would not be consistent with national policy set out in paragraphs 147 and 149 in the NPPF and therefore is unsound.

#### DM1 Protection and enhancement of environmental assets and landscapes

There is some concern that the policy does not reflect the latest emerging national and local policy on the protection of ancient woodland. Others are concerned that the supporting text could place overly onerous burdens upon developments in terms of biodiversity offsetting and biodiversity impact assessments.

**Officer Observations** - *The policy appears reasonable but some changes to the wording in the reasoned justification may be helpful.*

#### DM2 Warwickshire's Historic Environment & Heritage Assets

A statutory consultee requires a further amendment to the wording of the policy to bring it in line with the NPPF and NPPG.

**Officer Observations** - *The change requested is reasonable.*

#### DM3 Green Infrastructure

A clarification is required in the supporting text concerning minerals development in the Green Belt.

**Officer Observations** - *A change to the wording may be helpful.*

#### DM4 Health, Economy and Amenity - Minimising the Impacts of Mineral Development

An update to the supporting text has been requested by one statutory consultee.

**Officer Observations** - *the update is acceptable.*

#### DM5 Sustainable Transport

The policy requires transportation distances to be minimised but one respondent believes that to be overly onerous to developers and therefore the relevant references should be deleted. A hyperlink mentioned in the supporting text needs to be changed.

**Officer Observations** - *the policy is reasonable and may not need a change.*

#### DM6 Rights of Way and Recreational Highways

No comments received.

#### DM7 Flood Risk and Water Quality

There is concern from one respondent that the policy does not allow ancillary activities within the functional floodplain and this is said to be inconsistent with the national policy. The EA supports the policy but the supporting text needs to refer to a geomorphology assessment where a site borders a watercourse.

**Officer Observations** - *The policy is consistent with national planning policy.*

#### DM8 Aviation Safeguarding

The policy is felt to be too widely drawn and therefore not effective. It should be rewritten.

**Officer Observations** - *The policy is consistent with national planning policy but the reasoned justification may need to be amended.*

#### DM9 Reinstatement, reclamation, restoration and aftercare

No comments received

#### DM10 Mineral Safeguarding

The reference to “overriding need” needs to be clarified. One respondent requires the policy to provide a stronger and clearer method for screening development in mineral safeguarding areas. The policy should not apply to proposed site allocations in district/borough local plans. There needs to be greater flexibility to allow for prior extraction of minerals.

**Officer Observations** - *Some further clarification of the policy and its application may be beneficial.*

#### DM11 ‘Whole Life’ Carbon and Resource Efficiency

The policy is felt to be incapable of enforcement, is overly onerous and not justified and therefore should be deleted.

**Officer Observations** - *the policy is reasonable and may not need a change.*

#### DM 12 Overall Assessment of Proposals

This policy does not take into account the individual circumstances/merits of each individual planning application nor the requirements for mitigation. It is also felt to be overly onerous to developers and therefore should be deleted.

**Officer Observations** - *the policy is reasonable and may not need a change.*

### **Other sections of the plan**

Representations have included sections of the Plan, a summary of relevant planning matters are set out below:

Some respondents have requested changes to the introductory text as a result of other representations they have made, the wording of some of the key issues, and a change to the wording of the spatial vision.

A change to the key diagram is requested to include reference to crushed rock and a change to some of the terms in the Glossary and the appendices. A number of respondents have requested sites and areas to be excluded from the mineral safeguarding maps to reflect

planning permissions granted, their assessment that mineral working is unlikely to take place under existing development and to reflect proposals in local plans to allocate sites for future development.

**Summary officer observations** - *Where change is required then it should be carried out.*

## Section 4: Comments on how the plan could be changed

### Introduction

Section 2 and 3 has shown that a significant amount of representations specifically relate to site based allocation policies. This section will provide a summary of changes that have been put forward by respondents based on Question 6 of the questionnaire:

- *Question 6 - Please set out any change(s) that you consider necessary to make the Minerals Local Plan legally compliant or 'sound', having regard to the test you have identified at Question 4 above where this relates to 'soundness'.*

Feedback is provided in the form of a summary on how the Plan could be changed to make it legally compliant or 'sound'. Officer comments are also provided (in *italics*).

### Suggestions made on the Plan

A summary of these proposed changes are set out below:

Install adequate flood alleviation scheme to direct excess water as a result of extraction away from the village of Draycote and tributaries feeding the river Leam.

**Officer observations** - *this can be addressed by a Flood Risk Assessment submitted at the planning application stage for the allocation at Site 1 Bourton*

Based on the Cabinet meeting (6th October 2016), it was unclear as to whether removing a site would be considered as minor amendments to the Plan.

**Officer observations** - *The removal of a site is not considered to be a minor amendment and therefore the Plan would be required to repeat the Publication consultation (as set out in Regulation 19 and 35 of the Town and Country Planning (Local Planning) (England) Act 2012).*

Reference has been made to the existing planning conditions relating to Wolston Fields Farm and this should also be applied to Site 6 (Coney Grey Farm).

**Officer observations** - *the imposition of detailed planning conditions will be dealt with at planning application stage - it is envisaged that a consistent approach to managing conditions is applied throughout Warwickshire minerals developments.*

Stand-off between individual properties must be 200m not 100m. In some cases, this is suggested as 350m.

**Officer observations** - *100m is considered adequate at the local plan stage. The exact stand-off will be determined at planning application stage when all the information is available.*

Better noise and dust prevention measures.

**Officer observations** - the 100m stand-off should help minimise the impact of noise and dust, however, the detailed mitigation measures will be determined at planning application stage and on a site by site basis.

Better enforcement is required relating to mud on the highway from vehicles using the site.

**Officer observations** - it is acknowledged that mud on the highway is one of the common concerns and can pose a highway safety issue if not adequately addressed at the site level. WCC planning officers and enforcement officer work closely with operators to ensure that no problems arise and when they do they are addressed at the earliest opportunity. Planning conditions imposed based on site operations and working closely with operators is the best way to manage mud on the road.

Move the proposal somewhere else / better sites elsewhere.

**Officer observations** - A call for sites was undertaken to identify appropriate sites and a clear spatial strategy selected to reflect geographical, resource and market considerations . These sites have been assessed using a robust methodology and a Sustainability Appraisal.

Undertake a study on dust emissions to ensure compliance with appropriate environmental standards.

**Officer observations** - studies will be undertaken at planning application in relation to any impacts to health (including dust) and this will determine the appropriate mitigation to reduce or eliminate any unacceptable adverse impacts in relation to dust.

Charlecote Park needs protection from any adverse impact to the character of the area and the setting of the historic park.

**Officer observations** - Site selection has included a robust process as set out in the Site Assessment Methodology for Allocating Sand and Gravel Sites (October 2016). Further assessments will be carried out at the planning application where more details would be provided by the applicant to objectively assess the environmental impacts of the development and set out the mitigation measures required to minimise any potential impacts as a result of the development.

The Council should actively look at alternative forms of materials supply whether recycling, importing, etc.

**Officer observations** - the Topic Paper has addressed comments relating to plan requirements.

Reference made to the questionnaire form used for the consultation and how difficult it was to use.

**Officer observations** - the questions contained within the questionnaire are based on a guidance set by the Planning Inspectorate and are widely used by other planning authorities. These questions are pertinent to assist the inspector with his/ her assessment of the Plan.

## Section 5: The Duty to Cooperate

### Introduction

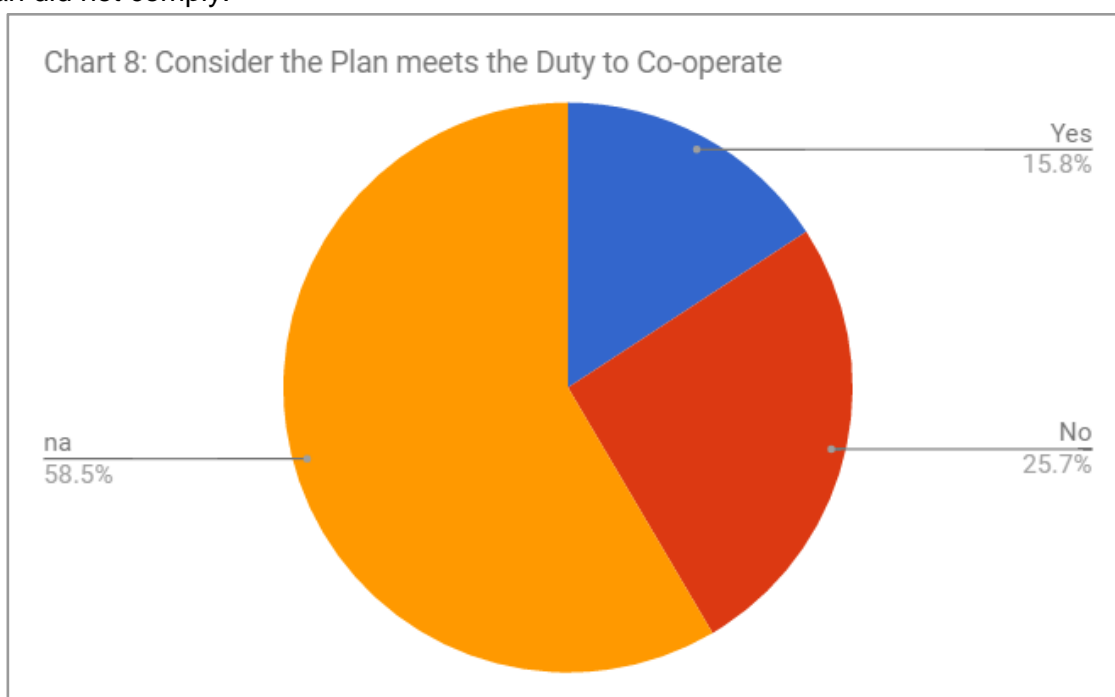
The Duty to Co-operate is a legal test that requires cooperation between local planning authorities and other public bodies to maximise the effectiveness of policies for strategic matters in Local Plans. Respondents were asked if the Plan complies with the Duty to Co-operate and to provide reasoning to their response:

- Question 7: Do you consider the Minerals Local Plan complies with the Duty to Co-operate?
- Second part of Question 7 (as to why the Duty to Co-operate comply or fails)

This section identifies the amount of respondents that felt the Plan does or does not comply with the Duty to Co-operate followed by examples of the reasons given even though they are more related to the soundness of the plan.

### Compliance with the Duty to Co-operate

Chart 8 shows that 58.5% did not respond or chose to answer 'not applicable' as to whether the Plan complies with the Duty to Co-operate. 15.8% felt that it did and 25.7% felt that the Plan did not comply.



- Danger to the river and human health
- Impact on the Neighbourhood Plan
- No integrated communication with Barford village and Neighbourhood Plan
- No evidence to minimising impacts (safety, economy, national planning guidance, land classification, traffic, noise, blight, flooding, dust emissions, biodiversity, cultural heritage, landscape, archaeology or health issues)

**Officer observations** - *The above examples show that the majority of comments do not directly relate to the cooperation between local planning authorities and other public bodies.*

*There was a misunderstanding as to what the 'Duty to Cooperate' means. It is not whether the county council has adequately consulted with consultees on the plan it is a legal test to ensure that Local Authorities and other Public Sector Bodies have cooperated with each other.*



## Section 6: Attendance at examination

### Introduction

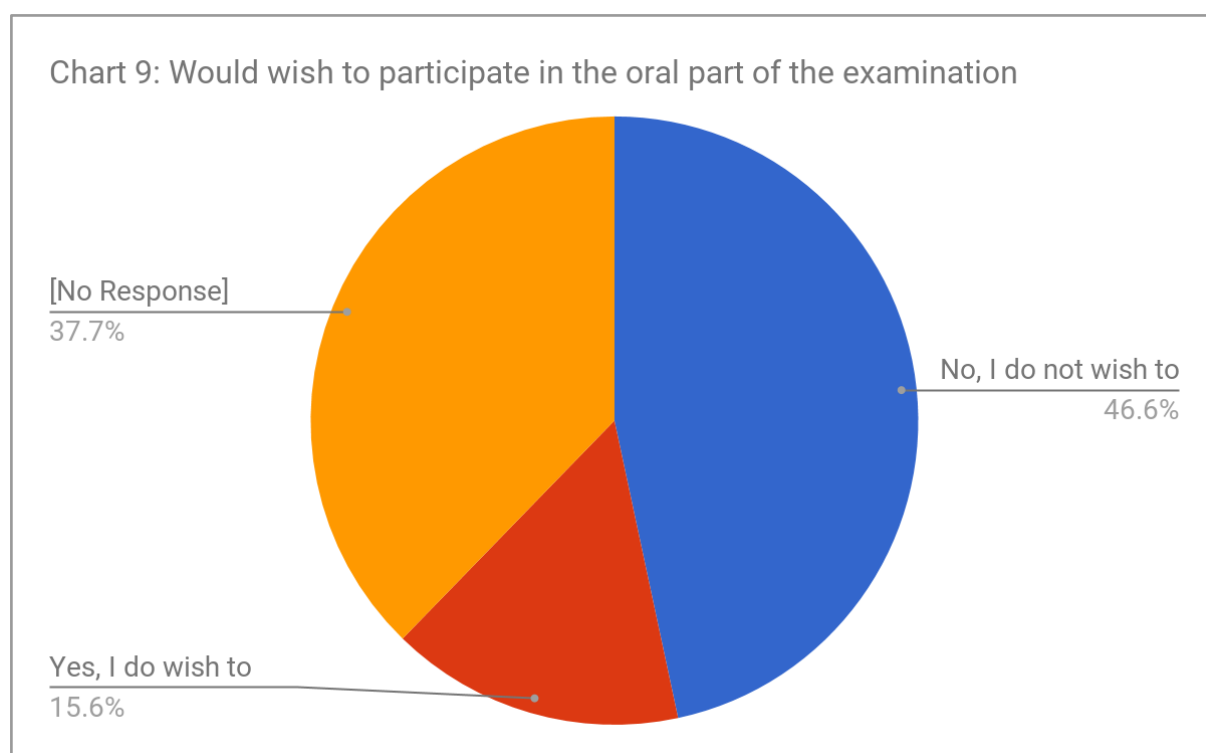
This section reports on those that showed an interest in attending the oral sessions of the examination. It also sets out the reasons as to why respondents have requested attendance:

- *Question 9 - If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary.*

The Planning Inspector will review comments submitted and reasons as to why respondents wish to participate in the oral part of the examination and call those that s/he wishes to speak / participate to the hearing.

### Attendance at the oral part of the examination

Chart 9 shows that only 15.6% would wish to participate at the oral examination, 46.6% said no and 37.7% did not respond to this question.



### Reason for attendance at hearing

Only 15.6% of respondents wish to participate in the oral part of the examination and below is a summary of the reasons given:

- Consider that the location is inappropriate for extraction (listing a number of reasons)
- The Dunton site is considered critical part of the overall provision of aggregates in the county
- Bourton & Draycote Parish Council represent local residents that will be directly affected by policies and would like to ensure views are taken into account

- The Plan fails to consider the cumulative effects, therefore, not fairly assessed the impacts of Site 9
- Representations as County Councillor
- Traffic issues at Princethorpe are complex - want to ensure issues are properly considered
- Site allocation of Site 4 and 5 are contrary to national planning policy
- An opportunity to explain why site should not be allocated in the Plan
- Consider this as the last opportunity to raise comments
- Interested in observing the examination process
- Process has been unfair and not meaningful
- Wish to participate should it be necessary
- Salford Priors Parish Council consider it their duty to present their parishioners
- Assist WCC and the Inspector when considering the representation and any further investigation required
- Opportunity to expand on objections made
- WCC as landowner and promoter of three of the allocated sites would like to contribute to the soundness and success of the Plan
- As district councillor for Barford/Wasperton, attendance to hearing would be an opportunity to present residents of the villages
- Several properties in close proximity to Site 4 and 5 will be detrimentally affected by the proposal for extraction
- Not sure points raised have been passed onto WCC
- Do not feel that WCC will represent their views appropriately
- Plan is 'unsound'
- Joint Parish Council is willing to participate if required by the Inspector
- To further articulate the interrelationship between mineral safeguarding policies and the delivery of non-minerals development
- Would participate in oral examination if no one else challenges Site 5

**Summary officer observations** - *As previously mentioned, the Planning Inspector will be forwarded a set of all comments made during the consultation and any invite to participate at the oral part of the examination will be at his / her discretion.*

## **Section 7: Conclusion**

A summary of the key issues raised during the Publication consultation has been presented highlighting key planning matters. The majority of representations refer to comments that have previously been made. These include policies relating to site allocation and the amount of sand and gravel required throughout the Plan period.

The Topic Paper (separate document) has addressed those issues relating to recycled aggregates and the plan requirements for sand and gravel.

The Publication stage is a technical part of the plan making process and is primarily focussed on legal compliance, the Duty to Cooperate and the test of 'soundness'. When the Plan is submitted to the Inspector for examination, all comments made during the Publication consultation stage will be forward to the Inspector.

## Appendix 1: Glossary

<b>Term of reference</b>	<b>Definition</b>
Aftercare	The management and treatment of land for a set period of time immediately following the completed restoration of a mineral workings to ensure the land is returned to the required environmental standard.
Aggregates	Sand, gravel crushed rock and other bulk materials used by the construction industry.
Apportionment	The proportional split of the regional guidelines for the supply of aggregates for the West Midlands which is shared between the Mineral Planning Authorities.
Area of Outstanding Natural Beauty (AONB)	These are statutory designations under the National Parks and Access to the Countryside Act 1949. The primary objective is the conservation of the natural beauty of the landscape.
Biodiversity	There are three distinct levels to biodiversity: The variety of ecosystems and habitats (woodland, grasslands and wetlands), The number of different species and The genetic variation within individual species. Some examples of biodiversity include; meadows full of wild flowers, hedgerows full of blossom, and woods filled with birdsong.
Borrow Pit	A temporary and usually small scale mineral extraction operation specifically to supply mineral to a major construction project nearby.
Carboniferous	A division of geological time from around 360-290 million years ago.
Clay	A very fine-grained mineral with particles measuring less than 0.002mm. It has high plasticity when wet and considerable strength when air-dry. It is a very useful engineering material.
Coal	Combustible mineral formed from organic matter (mostly plant material). A fossil fuel most commonly used in energy production.
Crushed rock	Naturally occurring rock which is crushed into a series of required sizes to produce an aggregate.
Development Control Policies	A set of criteria-based policies required to ensure that all development within the area meets the vision and strategy set out in the plan.
Environment Agency (EA)	The principal environmental regulatory body in England and Wales. Responsible for promoting improvements in waste management, permitting waste management facilities including landfills and ensuring consistency in regulation across England and Wales.

Flood Zones	These are areas that could be affected due to flooding from rivers. Flood zone 3 indicates the extent of a flood (1 in 100) chance of happening in any year. Flood zone 2 indicates the extent of an extreme flood with a 0.1 per cent (1 in 1000) chance of happening in any year. Flood zones are defined in planning policy for England and are produced ignoring the presence of existing flood defences, since defences can be 'overtopped' if a flood occurs which is higher than the defences are designed to withstand. Defences can even fail in extreme events.
Green Belt	Areas of land defined in Structure Plans and district wide Local Plans that are rural in character and adjacent to urban areas, where permanent and strict planning controls apply in order to check surrounding countryside from further encroachment; prevent neighbouring towns from merging into one another; preserve the special character of historic towns and assist urban regeneration.
Green Infrastructure	Green Infrastructure is a network of high quality green spaces and other environmental features. It is a resource capable of delivering a wide range of environmental and quality of life benefits for local communities. Included in Green Infrastructure are parks, open spaces, playing fields, woodlands, allotments and private gardens. Key considerations for green infrastructure are the functions or ecosystem services it provides. It should be considered at a broader scale than is necessarily the case for individual areas.
Jurassic	A division of geological time from around 200-135 million years ago.
Landbank	Landbanks of aggregate mineral reserves, or aggregate landbanks, are principally a monitoring tool to provide a mineral planning authority with early warning of possible disruption to the provision of an adequate and steady supply of land-won aggregates in their particular area. Aggregate landbanks should be used principally as a trigger for a mineral planning authority to review the current provision of aggregates in its area and consider whether to conduct a review of the allocation of sites in the plan. In doing so, it may take into account the remaining planned provision in the minerals local plan. A landbank is also a set of sites with planning permission to work minerals.
Local Development Scheme (LDS)	Sets out the programme for the preparation of the Local Development Documents.
Mineral Consultation Areas (MCAs)	MCAs define broad areas in which the presence of minerals resources has been identified but not assessed in detail. Currently Warwickshire County Council's MCA's define areas where there is a presence of aggregate resources. This has been supplied to all five District Councils within the County. As Mineral Planning Authority Warwickshire requires to be consulted on all planning applications falling within the Mineral Consultation Areas with the following exceptions. Development in accordance with the allocations of an adopted or deposited local plan, Householder applications such as extensions to houses, Reserved Matter

	applications unless the Mineral Planning Authorities specifically requested consultation at the outline stage, Minor developments, such as fences, walls, bus shelters, Applications for listed buildings unless specifically requested, Advertisement applications, Extensions or alterations to an existing use/building which do not fundamentally change the scale and character of the use/building, but sub-division of a dwelling will require consultation.
Mineral Development	An activity related to the exploration for the extraction and working of minerals, including tipping of soil and ancillary operations such as the construction and use of processing plant.
Mineral Reserves	Mineral deposits which have been investigated and are proven to be of economic importance due to the quality, quantity and nature of the deposit and benefit from an existing planning permission.
Mineral Resource	A potential source of mineral where the deposits nature, quality and quantity has yet to be assessed or is not yet economic.
Mineral Safeguard Areas	Since minerals are a non-renewable resource, minerals safeguarding is the process of ensuring that non-minerals development does not needlessly prevent the future extraction of mineral resources, of local and national importance.
Minerals Plan Document	A document which sets out the long term vision, objectives and strategy for mineral development across Warwickshire up to 2032 and provides the framework for mineral development control.
National Planning Policy Framework (NPPF)	Sets out the government's planning policies for England.
Permitted Reserves	Mineral deposits with the benefit of planning permission for extraction.
Planning Inspectorate (PINS)	The Government agency responsible for scheduling independent examinations. PINS employ planning inspectors who sit on independent examinations.
Primary Aggregates	Material extracted or produced from natural occurring mineral deposits used as an aggregate.
Public Consultation	A process through which the public is informed about proposals by the planning authority or developer and invited to submit comments.
Quarry	A type of open pit mine from which rock or minerals are extracted. They are often shallower than other types of open pit mine.
Reclamation	The process of returning an area to an acceptable environmental state, whether for the resumption of the former land use or for a new use. It includes restoration, aftercare, soil handling, filling and

	contouring operations.
Recycled Aggregates	Aggregates produced from recycled construction waste such as crushed concrete, road planing's etc.
Recycling	Involves the reprocessing of waste materials, either into the same product or a different one.
Restoration	Once mineral developments have ceased sites are required to be returned to an acceptable environmental state whether this be a continuation of the existing land use or the creation of a new one.
Re-use	The reuse of materials in their original form, without any processing other than cleaning. This can be practised by the commercial sector with the use of products cleaned.
Sand and Gravel	A finely divided rock, comprising of particles or granules that range in size from 0.063 to 2mm for sand, and up to 64mm for gravel. It is used as an important aggregate mineral.
Scheduled Ancient Monuments	Sites and remains designated under the Ancient Monument and Archaeological Areas Act 1979 to ensure protection from development.
Secondary Aggregates	These are materials that originate as waste products from quarrying and mining activities or as a by-product from an industrial process which can be processed and used as an aggregate in the construction industry.
Statement of Community Involvement (SCI)	A document which outlines the standards and approach that the County will undertake in engaging with stakeholders and the local community in producing its Minerals and Waste plans.
Sterilisation	This occurs when developments such as housing, roads or industrial parks, pipelines, pylons, wind farms, railways and canals etc are built over potential mineral resources/reserves. Sometimes access restrictions may sterilise minerals resources/reserves.
Sustainability Appraisal (SA)	Local Planning Authorities are bound by legislation to appraise the degree to which their plans and policies contribute to the achievement of sustainable development. The process of Sustainability Appraisal is similar to Strategic Environmental Assessment but is broader in context, examining the effects of the plans and policies on a range of social, economic and environmental factors. To comply with Government Policy, Warwickshire County Council produces a Sustainability Appraisal that incorporates a Strategic Environmental Assessment of its Minerals and Waste Local Development Documents.
Sustainable Development	Development which seeks to meet the needs of the present without compromising the ability of future generations to meet their own needs.

## Appendix 2: The Questionnaire Form

Warwickshire County Council	
<h3>Minerals Plan Publication Form 2016</h3>	



## Minerals Plan Publication Form 2016

### Part A - Your personal details

All respondents must provide their personal details including a full postal address and postcode. Please ensure your details are complete and correct in the 'My Account' section of the website before submitting your comment. It is not possible to accept anonymous representations.

Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012, requires all representations received to be submitted to the Secretary of State. By completing this form and submitting it to the Council you are giving your consent to the processing of personal data by Warwickshire County Council and that any information received by the Council, including personal data, may be put into the public domain.

#### Please indicate your interest in the Minerals Local Plan

(please select all that apply)

- Developer/Promoter .....
- Landowner .....
- Agent .....
- Borough/District resident .....
- Interest group .....
- Other .....
- Parish or Town Council .....
- Neighbourhood Planning group .....

#### Future stages

#### Do you wish to be notified of future stages in the Minerals Local Plan, including Submission, Examination and Adoption?

(please select one answer)

- Yes .....  No .....

### Part B - Your representations

The Publication Draft Minerals Local Plan consultation seeks the views of local residents, key stakeholders and other interested parties as to whether the Minerals Local Plan is 'sound' and legally compliant.

#### Soundness

Paragraph 182 of the National Planning Policy Framework sets out the considerations in relation to a plan being considered 'sound'.

- Positively prepared - the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
- Justified - the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
- Effective - the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities;
- Consistent with national policy - the plan should enable the delivery of sustainable development in accordance with the policies in the NPPF.

#### Legal Compliance

For the Minerals Local Plan to be considered legally compliant, the following needs to be determined:

## Minerals Plan Publication Form 2016

- Whether the Minerals Local Plan is detailed in the current Local Development Scheme (LDS) and that the key stages have been followed.
- That community involvement has been carried out in accordance with the current Statement of Community Involvement (SCI).
- Whether the Minerals Local Plan makes satisfactory regard to the Sustainable Community Strategy (SCS).
- That the Minerals Local Plan complies with the Planning and Compulsory Purchase Act 2004 (as amended).
- That the Minerals Local Plan complies with the Town and Country Planning (Local Planning) (England) Regulations 2012.
- That a Sustainability Appraisal Report (SA) is published to accompany the Minerals Local Plan and is adequate.
- That the Habitats Regulations Assessment (HRA) is carried out in accordance with the Conservation of Habitats and Species Regulations (The Habitats Regulations) 2010.
- That the Minerals Local Plan has regard to national planning policy.
- That Section 110 of the Localism Act 2011 (Duty to Co-operate) has been complied with.

The Statement of Community Involvement, Local Development Scheme, Sustainable Community Strategy, Sustainability Appraisal and Habitats Regulations Assessment are available via the Council's website ( [www.warwickshire.gov.uk/mdf](http://www.warwickshire.gov.uk/mdf) ).

Representations received at this stage may not result in changes to the document but will be recorded and considered alongside the Minerals Local Plan at Examination by the appointed Inspector.

Representations must primarily be on the basis of the 'soundness' of the Minerals Local Plan or its legal compliance. If you wish to make a representation with a view to making a change to the Minerals Local Plan you should make it clear exactly what you want to be changed and the reason(s) for this change. Your representation should include information and supporting evidence justifying the suggested change.

### 1. To which part of the Minerals Local Plan does this representation relate?

Please submit a separate comment for each representation.

#### Paragraph:

#### Policy number:

#### Policies map element:

## Minerals Plan Publication Form 2016

**2. Do you consider the Minerals Local Plan to be legally compliant?**

*(please select one answer)*

Yes .....  No .....

**3. Do you consider the Publication Minerals Local Plan to be 'sound'? If No, please continue to Question 4, otherwise please continue to Question 5.**

*(please select one answer)*

Yes .....  No .....

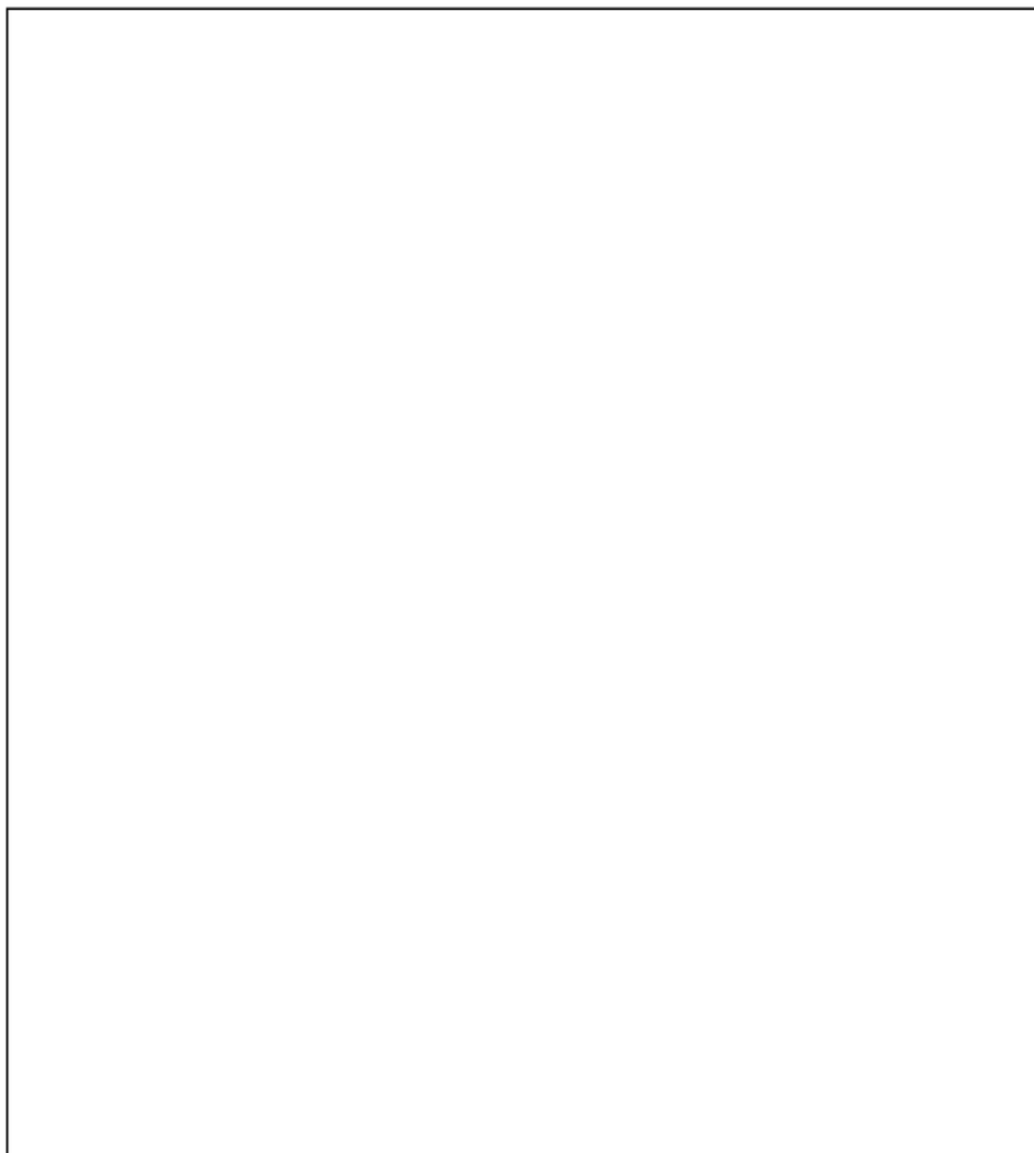
**4. Do you consider the Minerals Local Plan is 'unsound' because it is not:**

*(please select all that apply)*

1. Positively prepared .....
2. Justified .....
3. Effective .....
4. Consistent with national planning policy .....

## Minerals Plan Publication Form 2016

**5. If you consider that the Minerals Local Plan is not legally compliant or is unsound please give details as to why you consider this to be so. Please ensure you are as precise as possible. If you wish to support the legal compliance or 'soundness' of the Minerals Local Plan, please also use this box to provide your comments.**

A large, empty rectangular box with a thin black border, intended for the user to provide detailed comments regarding the Minerals Local Plan's legal compliance or soundness.

## Minerals Plan Publication Form 2016

**6. Please set out any change(s) that you consider necessary to make the Minerals Local Plan legally compliant or 'sound', having regard to the test you have identified at Question 4 above where this relates to 'soundness'. You will need to say why this change will make the Minerals Local Plan legally compliant or 'sound'. Where relevant, please include proposed revised wording of any policy or text.**

## Minerals Plan Publication Form 2016

### 7. Duty to Co-operate

The duty to cooperate was created in the Localism Act 2011, and amends the Planning and Compulsory Purchase Act 2004. It places a legal duty on local planning authorities, county councils in England and public bodies to engage constructively, actively and on an ongoing basis to maximise the effectiveness of Local and Marine Plan preparation in the context of strategic cross boundary matters.

The duty to cooperate is not a duty to agree. But local planning authorities should make every effort to secure the necessary cooperation on strategic cross boundary matters before they submit their Local Plans for examination.

Local planning authorities must demonstrate how they have complied with the duty at the independent examination of their Local Plans. If a local planning authority cannot demonstrate that it has complied with the duty then the Local Plan will not be able to proceed further in examination.

Local planning authorities will need to satisfy themselves about whether they have complied with the duty. As part of their consideration, local planning authorities will need to bear in mind that the cooperation should produce effective and deliverable policies on strategic cross boundary matters (Planning Policy Guidance).

*Please note that any non compliance with duty to co-operate is incapable of modification at examination.*

#### 7. Do you consider the Minerals Local Plan complies with the Duty to Co-operate?

*(please select one answer)*

Yes .....  No .....

## Minerals Plan Publication Form 2016

### **Duty to Co-Operate Comply**

*Please be as precise as possible.*

**Please give details of why you consider the Minerals Local Plan complies with the duty to co-operate.**

## Minerals Plan Publication Form 2016

### Duty to Co-Operate Fail

*Please be as precise as possible.*

**Please give details of why you consider the Minerals Local Plan fails to comply with the duty to co-operate.**

**Please note:** Your representation should cover succinctly all the information, evidence and supporting information necessary to support and justify the representation and the suggested change. There will not normally be a subsequent opportunity to make further representations.

**After this stage, further representations will only be at the request of the appointed Inspector, based on matters and issues he/she identifies for examination.**



## Minerals Plan Publication Form 2016

**8. If your representation is seeking to make a change to the Minerals Local Plan, do you consider it necessary to participate in the oral part of the examination?**

*(please select all that apply)*

*No, I do not wish to participate at the oral examination ....*      *Yes, I do wish to participate at the oral examination ....*

**9. If you do wish to participate at the oral part of the examination, please outline why you consider this to be necessary.**

**Please note** the appointed Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.



APPENDIX 2 - WARWICKSHIRE  
MINERALS PLAN  
SAND AND GRAVEL TOPIC PAPER



**WARWICKSHIRE COUNTY COUNCIL PLANNING POLICY  
TEAM**

**SEPTEMBER 2017**

*Working for  
Warwickshire*

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# Sand and Gravel in Warwickshire

## Executive Summary

The purpose of this paper is to explain in greater detail the situation regarding sand and gravel working in the county in respect of where the mineral is sourced, how the material is processed, the end uses of sand and gravel, how much is required to be planned for and how the plan requirement totals have been calculated. The paper is produced in response to comments during the last consultation that the way the plan requirement had been calculated appeared not to be fully translated from the Local Aggregates Assessment 2016 in to the Plan itself and also that the figures for sand and gravel production were much too high.

Consequently, the paper looks at where the mineral sites and production plants are located in relation to the geology of the county. It then goes on to summarise the national and local minerals policy situation in the county before looking at the situation within the county in respect of permitted reserves, landbanks and sales and imports.

It concludes that:

- there is high demand for sand and gravel. The authorities in Warwickshire are planning for very large housing and associated infrastructure projects all over the county especially in and around the main towns of Warwick, Leamington and Rugby during the next 15 years.
- there will be an increasing need for sand and gravel sites in the county to supply the materials to enable this economic growth to take place.
- the plan must as far as possible create the conditions to encourage economic growth by positive planning and not by artificially restricting supply.

However, the local picture for sand and gravel sites is very complicated and requires further explanation – important points to note include

- that for some time there has been little interest from the larger operators in the minerals industry to promote new sites in the county and the situation is likely to continue.
- We are planning for sand and gravel extraction in the context of a 10 years sales average which is dropping rapidly over time and will continue to fall further without the allocation of sufficient new sites. We cannot rely on sales of crushed rock and recycled aggregates and increasing imports from other areas.
- one of the main supply issues in meeting the 10 year average is that nearly 70% of the county's permitted reserves are tied up in one site at Brinklow Quarry, east of Coventry and that has significant implications for productive

capacity in the county and the ability to respond to changing economic and supply conditions.

- Whilst reserves at Brinklow appear healthy only permitted reserves that are available and that can be delivered in the plan period can be counted in the calculations towards the overall plan requirement. (Brinklow, like most quarries, is constrained by planning conditions on how much can be produced per annum).
- recycled aggregates are an important element in meeting some lower specification construction demand.
- the conclusion of this paper is that we will seek to attain the latest 10 year rolling average of sand and gravel and take account of other relevant local information as required by the National Planning Policy Framework (NPPF). The 3 year average is an indication that there is no requirement to increase provision above the latest 10 year average.

## **1. Sand and Gravel – An Introduction**

Sand and gravel is one of the main types of aggregate minerals, along with crushed rock, which are mainly used as bulk minerals in the construction industry. Sand is a hard residual mineral quartz. Sand and gravel is defined on the basis of particle size rather than composition. Gravel, sometimes known as coarse aggregate, is between 4mm and 80mm in particle size and is mainly used in concrete manufacture. Sand comprises particles that are less than 4mm but greater than 0.063mm and are mainly used as fine aggregate. Anything below the lower level is classed as silt and is usually discarded by the minerals industry although sometimes it can be used as a horticultural sand or to secure restoration of a site.

### **1.1 The Geology of Sand and Gravel in Warwickshire**

#### **1.1.1 Land-won sand and gravel**

Sand and gravel resources can be classified into two major categories depending on their age and geology:

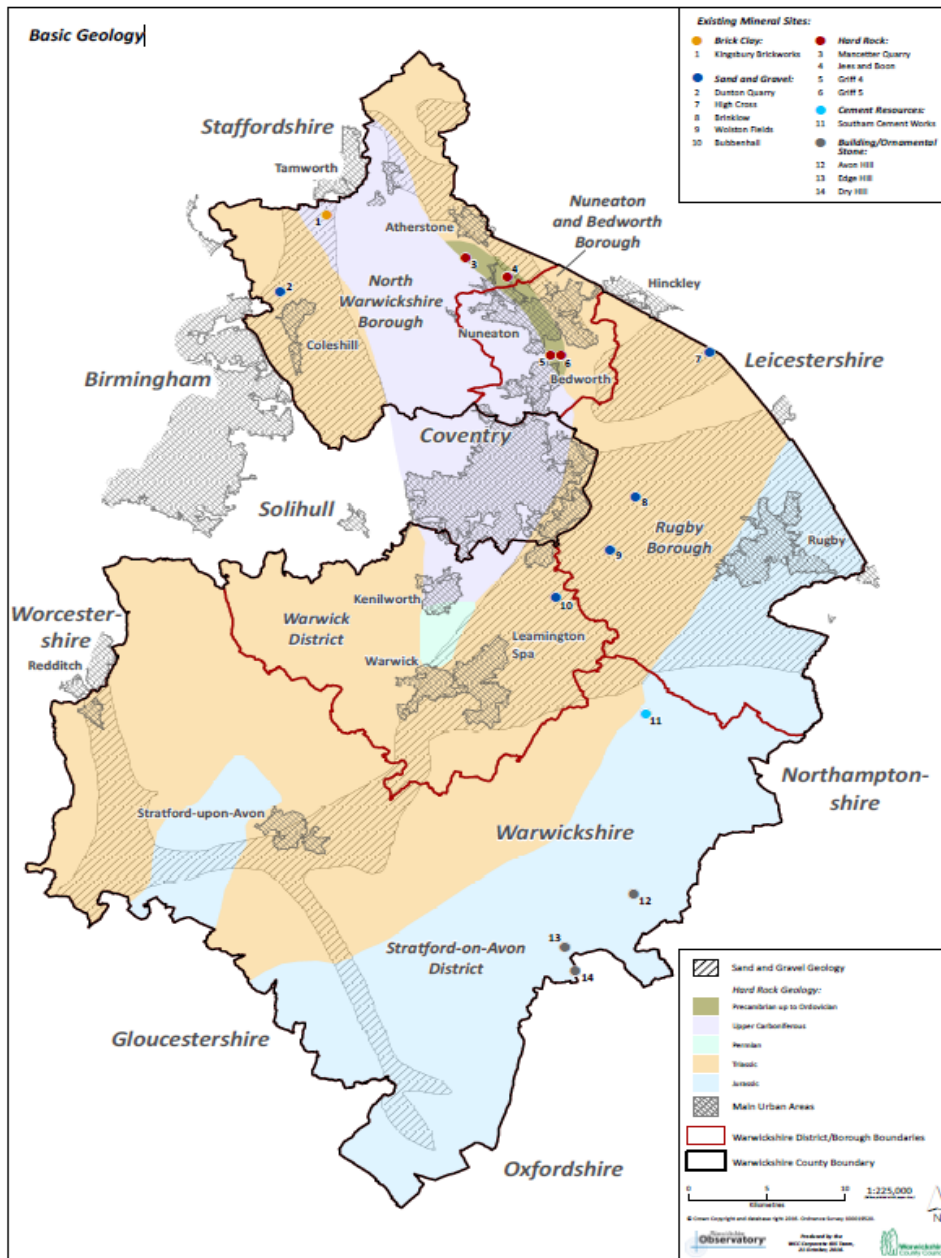
- superficial, or 'drift' deposits, and
- bedrock, or 'solid' deposits – there are no bedrock deposits in Warwickshire.

#### **1.1.2 Superficial deposits**

These comprise all those sand and gravel sediments laid down during the last two million years. They mainly comprise **river sands and gravels** which take the form of extensive spreads that occur along the floors of major river valleys, generally beneath alluvium, and as river terraces flanking the valley sides. River terraces are the dissected, or eroded, remnants of earlier abandoned river floodplains. Such deposits are found in the south of the county especially along the River Avon and its tributaries. Consequently, such resources of sand and gravel are focussed on

specific areas to the south of Warwick around Charlecote, Wasperton and Barford and west of Stratford and around Bidford on Avon and Salford Priors. Deposit thickness varies from less than 1m to maximum values of around 10m. Sand to gravel ratios are variable, but river deposits typically are relatively clean with lower fines content (silt and clay) than glacial deposits. The largest producing area in the county in the 1980's centred on the terraces of the River Tame in north-west Warwickshire with nearby Glacial deposits around Coleshill. These deposits have almost all become worked out in recent years apart from an area around Lea Marston.

The other major group of resources are **glaciofluvial sands and gravels**. These deposits were associated with glacial action and laid down by the glacial meltwaters issuing from, or flowing on top, within and beneath, ice sheets and glaciers. The deposits are commonly associated with till (boulder clay), and may exhibit complex relationships, occurring as sheet or delta-like layers above till deposits, or as elongate, irregular lenses within the till sequence. As a result, the distribution of glaciofluvial deposits is less predictable in geographical extent.



**Fig 2: Warwickshire’s Geology and Mineral Sites**

than river sand and gravel deposits. They may also exhibit considerable lateral variations in thickness, composition and particle size distribution, generally contain more fines (silt and clay) and frequently contain a larger amount of over-sized materials. Glacio fluvial deposits are common to the Rugby area to the south east of Coventry. They are spread more widely than the river terrace deposits but may be more variable in quality.

**1.1.3 Typical Extraction processes**

The high water table level at some sand and gravel quarries especially in the river terrace deposits means that active workings have to be pumped, to enable dry

screen extraction. Wet extraction under the water is also possible, but is a less efficient process.

The extraction process starts with the stripping of soils and sometimes overburden, which are then stored on site and often used for screening and bunding during the process before being returned to the void. Then the exposed sand and gravel can easily be excavated by hydraulic excavators, which either load direct onto dumptrucks or feed on to conveyors before being processed.

The processing plant can either be fixed on site or off site for satellite operations or mobile. The plant itself enables a series of screening and washing operations to grade and sort the mineral into the required sizes of sand and gravel. Waste 'fines' (i.e. fine sand or silt, clay) which on average make up between 5-10% of the deposit are pumped into silt ponds. Silt ponds are normally allowed to dry out to permit reclamation, although once full they can be re-excavated to provide extra capacity or sold as a product. Processed materials are then stockpiled by type until required for sale. Sometimes sites used materials from other sites for blending purposes to create a wider range of products.

#### **1.1.4 Uses of Sand Gravel**

Sand and gravel extraction cannot be looked at in isolation from the markets and products that they are added to, in the manufacture of building materials. Nationally and locally, the main use of sand and gravel is for concrete (67% of the total sand and gravel sold). Other uses for sand include mortar and for gravel include drainage layers or construction fill.

Sand is also used in a number of other ways to make, mortar and asphalt as well as for use in brick making, landscaping, agriculture and many other industrial processes such as glass making. Gravel has a number of uses, including road construction, drainage, water and effluent filtration and pipe bedding. It can also be used for decorative purposes on landscaping projects or for domestic properties for instance in the construction of driveways.

Concrete is made from a mixture of water, cement, coarse aggregate (natural gravel, crushed limestone or other hard rock) and fine aggregate (generally quartz sand, but limestone sand and other crushed rock fines are also used). The water and cement form the paste binder, whilst the aggregate forms an inert filler. Fine and coarse aggregate are added either separately or as a combined 'all in' aggregate. The properties of the aggregate used, influence the mix proportions and the performance of the concrete. Particle size, form and shape are important. For example, finer sand sizes require more cement, which has additional cost implications as cement is the most expensive component of concrete.



## **2. Warwickshire: Sand and Gravel Production**

### **2.1 Existing Sites and supply arrangements**

There are three sites producing sand and gravel in the county; Wolston Fields and Brinklow and a third one at High Cross has recently recommenced operations at a very low output level having been dormant for many years. However, when calculating future requirements only those sites active at the time of the annual surveys can be counted. All surveys carry a 12 month time lag and the last survey relates to sales between 1.1.16 and 31.12.16 so only two sites were operational – Brinklow and Wolston Fields.

The material from Wolston is processed off site at Bubbenhall but operations are scheduled for completion within the next few years whilst Brinklow has recently received permission to extend its working until 2046. In addition there are remaining permitted reserves at Bubbenhall Quarry and Dunton Quarry but these are constrained and only involve modest amounts.

The NPPF sets out a number of options available to mineral planning authorities to supply the sand and gravel it requires and these are:

- land won resources
- marine resources
- recycled aggregates
- secondary aggregates
- imports and exports

In Warwickshire the current supply options are recycled aggregates, imports and land won resources due to the lack of secondary aggregate sources and the absence of marine aggregates or access to marine sources. While recycled aggregates will continue to play a part in the supply of certain construction materials reliance will continue to be on imports and to a large part land won resources in the county through the granting of planning permission on specific sand and gravel sites and maintaining adequate landbanks for sand and gravel.

### **2.2 Operators**

The mineral operators currently operating in the county are Hansons with Smith's Concrete at Wolston Fields and Bubbenhall. They produce sand and gravel for concrete manufacturing. The site at Brinklow is run independently by the Aston family and supplies sand and gravel to the general market. Both sites are close to the centre of the county in Rugby Borough and in close proximity to Coventry which is the likely destination of much of the material if not used within Warwickshire itself.



**Fig 3 Excavation of sand and gravel beneath overburden at Brinklow Quarry**

Tarmac Trading Ltd now has a presence in the county but only in terms of resources to be worked as an extension to Shawell Quarry in Leicestershire. The LAA identified that many sites have become exhausted or closed for commercial reasons in the last 10 years in Warwickshire. This has seen the loss of many of the larger companies that used to produce sand and gravel aggregate in the county such as Cemex.



**Fig 4: Recently restored quarry for nature conservation at Bubbenhall**

Except for Tarmac Trading Ltd larger operators have not sought to progress sites through the current Minerals Plan process. This has been left to individual

landowners and their agents, including the County Council itself, which owns various small holdings with some sand and gravel resource. The larger companies do not appear keen to progress sites through the plan process possibly because of costs of drilling, higher land values, the existence of other operational sites elsewhere and possibly also because of variable quality of proven resources to meet particular needs when compared to the thicker deposits in counties like Staffordshire. A smaller operator (SE Davis) with off-site processing plant has proposals to either use mobile plant to extract mineral from some of the smaller sites or to extract the material and take it to their processing operation in Astwood Bank in Worcestershire, just outside the county boundary. However, such proposals have yet to emerge as specific planning applications.

### **2.3 Warwickshire Minerals Infrastructure**

The main types of infrastructure connected with sand and gravel production in the county are set out below

#### **2.3.1 Fixed Processing Plants**

There are currently only four sites in the county with fixed processing plant and the planning consents for two of the four sites are scheduled to expire in 2021. A further site is expected to close around 2021 due to landownership constraints.

#### **2.3.2 Concrete Batching Plants**

Concrete batching plants are simply equipment on a site, which are used to mix various materials to produce concrete. These materials comprise water, air, admixtures, sand, aggregate (rocks, gravel, etc.), fly ash, silica fume, slag, and cement. There are two main types of concrete plants: Dry mix plants and Wet mix plants. Dry Mix Plants are those which dispense pre-weighed loads of sand and gravel on to trucks, which then have specific volumes of water added and then the concrete is mixed on the truck whilst being transported to the particular site. Wet mix plants are those which mix the materials and produce concrete from a central production point, which is then loaded on to lorries. The mix is agitated en-route to the site.

The county has a well - developed network of concrete production plants. There are 14 concrete batching plants in the county. These have traditionally been located either in quarries or on industrial estates but are mainly on industrial estates now. These plants are listed in Appendix 2.

### **2.3.3 Asphalt Plants**

An asphalt plant is a plant used for the manufacture of asphalt, macadam and other forms of coated roadstone, sometimes collectively known as blacktop or asphalt concrete. Sand is used in the production process.

The manufacture of coated roadstone demands the combination of a number of aggregates, sand and a filler (such as stone dust), in the correct proportions, heated, and finally coated with a binder, usually bitumen based or, in some cases, tar. The temperature of the finished product must be sufficient to be workable after transport to the final destination. A temperature in the range of 100 to 200 degrees Celsius is normal.

Recycled materials can be added to the asphalt mix but the quality of Asphalt starts reducing once the percentage of recycled asphalt increases beyond 20%.

There are 3 asphalt plants in the county again sited in existing or former quarries.

### **2.3.4 Mortar Plants**

Dry Mix Mortar is produced in specially designed dry mix mortar plants in which binders and aggregate are mixed in the appropriate way and are transported to construction site in bags or silos and need only be mixed with water prior to use.

It is composed of a thick mixture of water, sand, and cement. The water is used to hydrate the cement and hold the mix together. The water to cement ratio is higher in mortar than in concrete in order to form an extra strong bonding element.

There are two mortar plants in the county at Brinklow and Bubbenhall Quarries.

### **2.3.5 Warwickshire Recycled Aggregates**

Recycled aggregates comprise construction, demolition and excavation waste such as brick, stone, concrete and asphalt which have been reprocessed to provide products for the construction industry to re-use. Traditionally, much of the material was recycled by mobile plant on construction sites but recently there has been an increase in the number of new sites associated with live or exhausted quarries. This is certainly the case in Warwickshire with several recent permissions at former quarries which are linked for the completion of the restoration of the former quarries and the life of the site. It is apparent that recycling of aggregates is becoming as important in the county as the production of primary aggregate production.

Currently there are 9 recycled aggregates sites in the county – (See Appendix 3).

In recent years, construction and demolition (c&d) waste recycling figures have not been fully monitored because of the difficulty in getting returns from operators and

the number of temporary sites with mobile plant. In addition, there are also issues regarding the accuracy of the returns and the extent of the number of exempt sites.

Monitoring work carried out for the adopted Waste Core Strategy looked at permitted capacity at such sites and when added to recent permissions gives a total of 830,250 tonnes of capacity per annum. This is helpful but the absence of actual sales and production figures and their uses limits their overall usefulness in determining future supply requirements. However, after 2013 the AWP survey the authority has tried harder to focus on recycled and secondary materials and from 9 monitoring forms sent out to operators, figures from individual operators and from the Waste Data Interrogator, produced a total of 575,388 tonnes of construction and demolition waste material recycled for 2013. This is an increase in the total figure for 2012 which had a figure of 524184 tonnes. Recent permissions at Griff IV Quarry (a former hard rock quarry), Griff Clara and at the former Middleton Hall Quarry have added 100,000 tonnes of capacity since the start of 2012. Whilst Dunton Quarry (a former sand and gravel quarry) has permission to operate until 2021.

In regard to the Publication consultation, it was noted that many respondents wished to see a proportion of the plan requirement of sand and gravel, replaced by the provision of recycled aggregates. In recent Local Plan Examinations such an approach was not considered by the Secretary of State to be sound, for various reasons. This includes the fact that the quality of such material can be variable, survey figures for quantifying the material is not always reliable, and most of the sites have temporary permissions and therefore future supplies over the plan period cannot be guaranteed.

However, we did consider what the contribution could look like in practice and what the implications could be. The largest aggregate recycling site is at Dunton Landfill in the north of the county which can produce up to 500,000 tonnes of recycled aggregates per annum. It is estimated that on average around 650,000 tonnes mtpa could be produced in the county as a whole. Almost all of these sites are in the north of the county and the majority of these only have temporary permissions.

We looked at the potential to replace some primary aggregate with recycled aggregate in the plan calculations. The annual production of recycled aggregate is approximately 650,000 tonnes per annum. This is higher than the primary aggregate 10 year sales average of 508,000 tonnes per annum. Using such a methodology would mean that there would be no primary aggregate requirement at all, but this approach could not be implemented in practice, as it would be considered inherently unsound.

To ensure that such sites could make provision for a steady and adequate supply over the plan period, the only way such supply could be guaranteed would be to ensure that all the sites are given permanent permissions, sources of supply are maintained and there are markets available for the products available for sale. The

issue of permanent permissions is one which would not be popular in some areas; whilst recycling aggregates is a very sustainable way of producing aggregate, there can be associated problems with such uses where they are close to housing. Equally sites located on former quarries may delay restoration and completion of works well beyond timeframes agreed with local communities. Recycled aggregates are usually situated on industrial estates and in active or former quarries. So, whilst it might be an attractive proposition to substitute part of the primary aggregates production to recycled aggregate sites, it could be just moving the potential problem to other communities, exacerbating the current geographical imbalance of sites and not providing the range of products and specifications required by the construction market

This approach would be very unlikely to be supported by other Mineral Planning Authorities and the minerals industry because of the lack of supply guarantees required and the confirmation that actual substitution of materials is taking place in the market. It reduces the size of the requirement but does not eliminate it, which is where many respondents wish to go in terms of sustainability. For others this may work but for Warwickshire given its particular circumstances in terms of material supplies, geographical distribution and site specific issues and inability to fully substitute for a full range of construction materials now and in the future, it is very unlikely to work and if it does not work and cannot be delivered it will be found unsound. Plans are required to be evidence based and the evidence available to the Mineral Planning Authority is that this scenario will not work and will not be found sound.

### **3. National and Local Planning Minerals Planning Policy**

#### **3.1 National Policy**

##### **3.1.1. National Planning Policy Framework (NPPF)**

Minerals Policy is governed at a national level through the National Planning Policy Framework (NPPF) which was adopted in 2012.

The main driver is the recognition that minerals are essential to our sustainable economic growth and quality of life and that it is important to provide a sufficient and supply of material to provide the infrastructure, buildings, energy and goods that the country needs. Account needs to be taken of the contribution recycled aggregates can make before consideration of primary aggregates.

Mineral Planning Authorities need to plan for a “steady and adequate supply of aggregates” in a number of ways but primarily by “preparing an annual Local Aggregate Assessment, either individually or jointly by agreement with another or other mineral planning authorities, based on a rolling average of 10 years sales data

and other relevant local information, and an assessment of all supply options (including marine dredged, secondary and recycled sources and imports)”.

MPA’s also are required to participate in and take advice from the Aggregate Working Party. They should make provision of land won and other elements of their LAA in the Plan in the form of “specific sites, preferred areas and areas of search and locational criteria as appropriate.”

Landbanks should be the principal indicator of aggregate minerals supply and for sand and gravel MPA’s should make provision for a landbank of at least 7 years, although longer periods might be appropriate to take account of local factors that might affect supply. One of these factors (that is an issue in the county) is that large landbanks should not be tied up in very few sites, which can stifle competition.

Further definition of the way in which the NPPF should be interpreted is given through the national online Planning Practice Guidance.

### **3.1.2 Planning Practice Guidance**

Mineral planning authorities should plan for the steady and adequate supply of minerals in one or more of the following ways (in order of priority):

1. Designating Specific Sites – where viable resources are known to exist, landowners are supportive of minerals development and the proposal is likely to be acceptable in planning terms. Such sites may also include essential operations associated with mineral extraction;
2. Designating Preferred Areas, which are areas of known resources where planning permission might reasonably be anticipated. Such areas may also include essential operations associated with mineral extraction; and/or
3. Designating Areas of Search – areas where knowledge of mineral resources may be less certain but within which planning permission may be granted, particularly if there is a potential shortfall in supply.

Guidance states that it is preferable for MPA’s to seek to designate Specific Sites as a priority in minerals plans as it provides the necessary certainty on when and where development may take place.

The guidance lists a large number of individual factors that must be taken in to account when considering mineral proposals. It also explains that separation distances/ buffer zones may be appropriate in specific circumstances where it is clear that, based on site specific assessments and other forms of mitigation measures (such as working scheme design and landscaping) a certain distance is required between the boundary of the minerals extraction area and occupied residential property.

It goes on to state that any proposed separation distance should be established on a site-specific basis and should be effective, properly justified, and reasonable.

The PPG reaffirms an established pillar of minerals planning which is the continuation of the Managed Aggregate Supply System (MASS) which seeks to ensure that all MPA's contribute locally and nationally where required to ensuring a steady and adequate supply of minerals. It sees the production of LAA's as the main way of providing this at a local level and so the PPG sets out further details regarding how LAA's should work in practice. They should contain 3 elements;

- a forecast of the demand for aggregates based on both the rolling average of 10-years sales data and other relevant local information;
- an analysis of all aggregate supply options, as indicated by landbanks, mineral plan allocations and capacity data eg marine licences for marine aggregate extraction, recycled aggregates and the potential throughputs from wharves. Supply should also look at secondary aggregates and imports and exports to and from the MPA area.
- an assessment of the balance between demand and supply, and the economic and environmental opportunities and constraints that might influence the situation. It should conclude if there is a shortage or a surplus of supply and, if the former, how this is being addressed.

Based on relevant local information future supply considerations should be considered in addition to the 10 year average to take account of large infrastructure projects and major housing and employment growth. Mineral Planning Authorities should also look at average sales over the last 3 years in particular to identify the general trend of demand as part of the consideration of whether it might be appropriate to increase supply.

In addition the LAA, should also take account of the latest national and sub-national guidelines published by the government which are the National and regional guidelines for aggregates provision in England 2005 to 2020 - they seek to provide an indication of the total amount of aggregate provision that the mineral planning authorities, collectively within each Aggregate Working Party, should aim to provide. These guidelines were published in 2009 and will expire in three years' time; they rely on data which preceded the economic downturn and were published pre-recession and within a different policy context. Recent Examinations in Public have placed little weight on the guidelines for these reasons.



## **4. Warwickshire LAA - The Current Situation – Permitted Reserves/ Landbanks and Sales of Sand and Gravel/ Imports and Exports**

### **4.1 Warwickshire’s Permitted Reserves**

At 1<sup>st</sup> January 2017 Warwickshire had Permitted Reserves for sand and gravel of 3.288 million tonnes which equated to a landbank of 6.47 years. These reserves were tied up in several sites; High Cross Quarry, Brinklow Quarry, Dunton Quarry and Wolston Fields all in the east and north of the county. There are no quarries in Stratford or Warwick Districts at present.

In 2016 a planning application was approved subject to the signing of a legal agreement at one of the two existing quarries in the county at Brinklow Quarry for an additional 3.4 million tonnes of sand and gravel. The Section 106 agreement was recently signed in June 2017 and the planning permission issued on 6<sup>th</sup> July 2017. This means that the additional reserve can be counted towards the permitted reserves in the county and the landbank when determining planning applications only. In the case of the Minerals Local Plan only those reserves capable of being used in the plan period 2017 – 2032 can be relied upon and that is 1.363 million tonnes out of the 3.4 million tonnes permitted\*<sup>1</sup>. While for development management purposes the permitted reserves now sits at 6.688 million tonnes which equates to a landbank of 13 years’ worth of material (see Table 1) in terms of the plan the actual level of permitted reserves which can be relied upon is 4.65 million tonnes giving a landbank of 9.3 years.

The situation regarding reserves and landbank may look healthier than in previous years, but it should be recognised that the annual landbank figures up to 2013 were calculated using the Sub Regional Apportionment Figure of 1.043 million tonnes derived from the AWP and based on a sub-division of a national figure rather than the 0.508 million figure we now use from the latest LAA. Consequently, when the NPPF came in to place and reliance had to be placed on the 10 year average figure , the figure was much lower because the 10 year average was always much lower than the figure agreed by the AWP. Hence the landbank rose considerably in 2013.

The length of the landbank which is measured in years is determined by dividing the figure for the stock of permitted reserves in the county by the annual demand rate which is the 10 year average.

Year	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
Reserves	5.00	4.76	3.95	3.12	4.51	4.33	4.96	4.44	3.869	6.688
Landbank	4.8	4.56	3.78	2.99	4.33	4.15	7.2	7.0	6.75	13.16

<sup>1</sup> Figures based on Brinklow Quarry producing 170,000 tonnes per annum (based on submitted figures for Planning Application No RBC/16CM004)

A second planning application has also been submitted for a western extension to Shawell Quarry which although the quarry is located in Leicestershire, there is 1.1 million tonnes of sand and gravel in Warwickshire. This application has not been determined yet but most of the tonnage has already been factored in to the plan requirement calculations because it was one of the site specific allocations.

<i>Table 2: Sand and Gravel: Sales, Reserves, Landbanks and Sales Averages 2017 v 2016</i>			
	<b>2017 LAA (2016 Figures)</b>	2016 LAA (2015 Figures)	Compared to previous LAA
Sales	<b>0.332 mt</b>	0.322 mt	▲ 0.010mt
P Reserves	<b>6.688 mt</b>	3.869 mt	▲ 2.8 mt
Landbank	<b>13 .16 years</b>	6.75 years	▲ 6.41 yrs
10 Year Average	<b>0.508 mt</b>	0.573 mt	▼ 0.065mt
3 Year Average	<b>0.311 mt</b>	0.270 mt	▲ 0.041mt

#### **4.2 Warwickshire’s Sand and Gravel Sales – Demand Factors**

The NPPF\* states at Para 145 that;

*Minerals planning authorities should plan for a steady and adequate supply of aggregates by:*

- *preparing an annual Local Aggregate Assessment, either individually or jointly by agreement with another or other mineral planning authorities, based on a rolling average of 10 years sales data and other relevant local information, and an assessment of all supply options (including marine dredged, secondary and recycled sources);*

There is no guidance on which 10 year rolling average should be used to guide the preparation of a local plan although the NPPG (ID 27 – 062) says that an LAA should contain a forecast of demand for aggregates based on both the rolling average of 10 years sales data and other relevant local information.

Warwickshire in preparing its local plan has rolled the plan forward using a rolling average determined from the latest survey information in the latest published LAA. At the moment the authority is able to produce a draft LAA in the same year that the survey returns are available. For example, the Preferred Options and Policy document (draft plan) was based on LAA 2015 (survey returns 2014) and the Publication consultation document (final draft plan) on LAA 2016 (survey returns 2015).

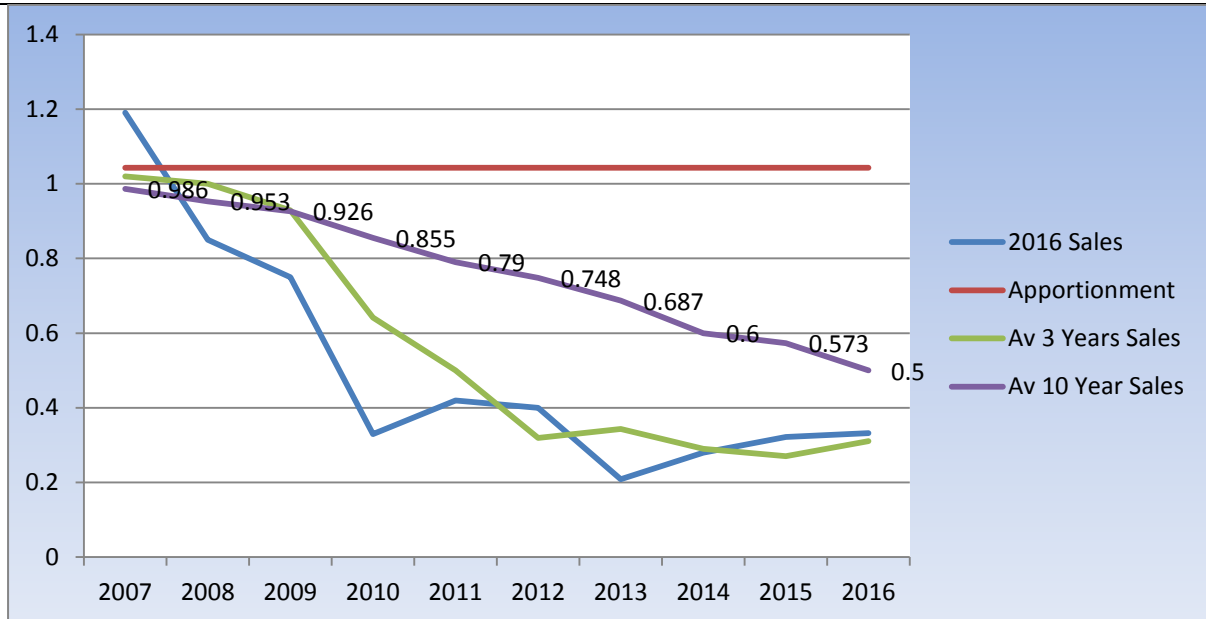
Based on LAA 2016 during the years 2007 – 2015 there was a continuous year on year decline in the 10 year average from 0.986mt to 0.573mt and a similar decline in the 3 year average for the years 2012 – 2015. Sales peaked at 1.19mt in 2007 before falling sharply until 2010 and then levelling out at over 0.3mt per annum. The average sales for the last six years of the current ten year period are 0.327mt which is just above the actual sales for 2015. When you add in the fact that the 3 year average for 2015 was for the first time below the actual sales in that year it is clear that an annual review of the impact of the 10 year average is warranted at the moment. Moreover, it could be argued that the first four years sales from the current ten year period are distorting the overall average. While demand is unlikely to decrease in the future at the moment there are no signs of a significant increase in demand being converted into a sizeable increase in sales, production capacity and new sites in the county.

From Table 2 it can be seen that by taking the 10 year average as the starting point that it is falling again from 2016 to 2017. In Figure 5 below over 10 years it can be seen just how far the sales have dropped since 2007 when production was at 1 million tonnes in the county, whereas the 2017 sales figure is now 300,000 tonnes and has been around that amount for the last 6 years.

Para 064 of Minerals Planning Practice Guidance\* elaborates on this:

*Local Aggregate Assessments must also consider other relevant local information in addition to the 10 year rolling supply, which seeks to look ahead at possible future demand, rather than rely solely on past sales. Such information may include, for example, levels of planned construction and housebuilding in their area and throughout the country. Mineral Planning Authorities should also look at average sales over the last 3 years in particular to identify the general trend of demand as part of the consideration of whether it might be appropriate to increase supply.*

Figure 5: Sand and Gravel – Observed 10 years past sales and 10 year and 3 year averages compared to apportionment (2007-2016).



Looking at the 3 year average it is clear that the most recent figure only confirms the general decreasing trend in demand in the county and suggests that there is no logical reason to increase the plan requirement above the 10 year average. At the same time it would be dangerous to suggest a lower figure than the 10 year average as there is a large amount of development proposed in and around the county. The figures should cater for future growth; it may be that there is a lag in the minerals industry whereby companies are waiting for particular opportunities and so to restrict production at too low a figure could cause supply problems in the future. There is already some indication that Warwickshire is becoming even more reliant on aggregates' imports especially in terms of crushed rock.

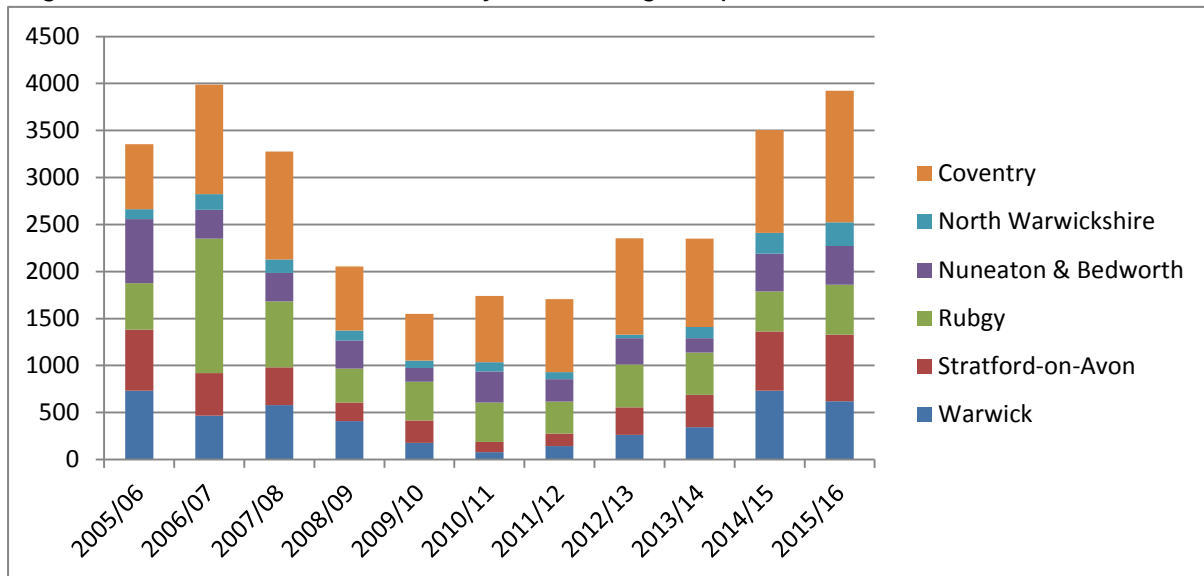
### **4.3 Warwickshire's Growth – Demand Factors**

Whilst there is no definitive method of measuring demand for sand and gravel one possible way is to use housing growth as a proxy for demand. Employment and infrastructure are also other indicators of demand. If the economy is growing, housing, employment and infrastructure projects will be coming forward for implementation at a fast rate.

Similarly, such economic growth requires an increase in the supply of building materials including particularly sand and gravel. Hence, the housing figures in Figure 6 are a direct contrast to the downward trend for sand and gravel sales; housing growth effectively halted in 2008 and was in a major decline for at least 6 years during the recession as one would expect. However, the downward trend was reversed in 2013 and growth has continued up to pre-recession levels. By contrast

sand and gravel production has not followed the housing demand trajectory. Whilst pre-recession sand and gravel sales were at 1 million tonnes during the recession sales they fell dramatically down to 300000 tonnes rather than returning to much higher figures when the recession ended. Interestingly, sales have continued to flatline at 300000 tonnes.

Figure 6: Warwickshire and Coventry net housing completions 2005 - 2016



The reasons for this can be summarised as:

1. The recession has killed off short term demand and therefore also reduced the need for large quantities of sand and gravel
2. Several large sites all closed at the same time around 2012
3. When the sites closed a number of the larger operators moved out of the county and have not returned
4. Moreover there have been very few planning applications submitted between 2007 and 2016 and two of the most recent have been seeking planning permission to continue operating in the county.

#### 4.4 Imports and Exports of Sand and Gravel

Sales of aggregates, specifically sand and gravel and crushed rock, are carried out each year and reported through the Aggregates Working Party (the West Midlands AWP). Approximately every 4 years a more detailed survey is carried out which goes beyond just pure sales and reserves figures; it seeks to describe where all aggregates are produced and where they are sold to in the UK. The last survey was the 2014 survey and the one before that was in 2009.

Sales in 2014 amounted to 0.280 million tonnes. However consumption (use) of sand and gravel in the county was 0.475 million tonnes so that means about 200,000

tonnes was imported. Almost all of the sand and gravel produced in the county was consumed in the county.

In addition crushed rock can replace sand and gravel for some uses. Warwickshire only has one operational crushed rock site which according to the latest planning application information produces between 300,000 – 400,000 tonnes per annum. Yet Warwickshire consumed more than double that amount (875,000 tonnes). The vast majority was produced in Leicestershire (60-70%) while at least (20-30%) was produced in Warwickshire itself. Very small amounts were produced in other counties and imported to the county.

In 2009 Warwickshire was an exporter of sand and gravel and crushed rock. Now it is increasingly reliant on imports. These figures confirm that there is major demand in the county and that this demand needs to be planned for and met within the county as far as possible where there are available sites which have adequate reserves of mineral and which are environmentally acceptable.

## **5. Warwickshire's Plan Requirement**

### **5.1 Factors behind the Plan Requirement**

In order to calculate the plan provision there are a number of issues which need to be assessed and determined and they are:

- The duration of the plan period;
- An agreed demand forecast for aggregates based on both the rolling average of 10 –years sales ( annual rate of demand) data and other relevant local information;
- The level of permitted reserves including any reassessment of reserves and limitations on consented reserves and site closures;
- Consented mineral infrastructure;
- The landbank requirement;
- Any new planning approvals or planning applications in the pipeline;
- Any uncommitted allocations in a previously adopted minerals local plan; and
- Productive capacity.

The call for sites issued in 2009 and 2014 generated more interest in potential sites from developers/landowners including the County Council. These sites have been assessed on several occasions and some are being promoted as allocations in the Minerals Local Plan. The draft plan should therefore provide some encouragement and some certainty for the minerals industry in bringing sites forward for development in the right location to meet future demand.

The 2016 Publication document proposed 8 sites to provide enough sand and gravel to meet the plan requirement. Respondents to the Publication consultation have asked for more clarity on how the authority has calculated the final figure and what factors have been taken into account. Appendix 4 shows how the plan requirement was worked out.

Effectively, we consider that the plan must start from the position of having at least a 7 year landbank; the NPPF states *that “Minerals planning authorities should plan for a steady and adequate supply of aggregates by (amongst other things) making provision for the maintenance of landbanks of at least 7 years for sand and gravel”*.

Landbanks of aggregate mineral reserves are basically a set of sites with planning permission to work aggregates (a stock of permitted reserves). They are a key tool in providing a steady and adequate supply of land won aggregates. The NPPG says that they are an essential component of planning decision making (ID 27 – 082). Paragraph 145 says that landbanks can be used as an indicator of the security of aggregate minerals supply and an indicator of additional provision that needs to be made, that they need to be maintained for at least 7 years for sand and gravel, that they should not stifle competition and that separate landbanks may be needed for aggregate materials with a distinct and separate market.

The NPPG says that aggregate landbanks should be recalculated each year and the length of the landbank period is determined by the sum of all the permitted reserves divided by the annual rate of future demand which is the 10 year average.

The LAA 2016 says that the current landbank of permitted reserves in the county is 6.75 years which is just below the 7 years required by paragraph 145 in the NPPF. However that landbank is based on just two working sites and three sites which are inactive. One of the sites contains the bulk of the permitted reserves having recently been granted permission for a northerly extension and the other working site is due to complete extraction well before the end of the plan period.

If a plan is to demonstrate an adequate and steady supply of aggregates for the life of the plan period then it is the opinion of the county council that it must be able to show each year that it has a stock of permitted reserves sufficient for at least a 7 year landbank for sand and gravel to be provided. This means that the plan needs to have a 7 year landbank at the beginning, throughout and at the end of the plan period irrespective of whether there is no actual guidance given to that effect.

Reliance on the annual monitoring of the plan during the plan period or an early review of the plan before the end of the period is considered not to be providing for the longer term as required by paragraph 157 of the NPPF. Equally it reduces the certainty that the industry require when making important investment decisions for example, new greenfield sites which require a long lead in time to develop and make operational especially if new processing plant is required and value added products are to be produced. It also does not provide the longer term certainty that local

communities require about the duration and transport and environmental impacts of mineral extraction in their locality.

By planning at the outset to maintain appropriate landbanks through the plan process the mineral local plan is able to adsorb short term and also long term increases in demand especially in the case of Warwickshire which has seen sales fall quite rapidly during the recession and then levelling over a number of years out at a much lower level than the pre-recession period.

The current working sites are located in a relatively small area to the east of Coventry and generally to the north of the county. Compared with the historical distribution of sites over the past decade there has always been a site in the south of the county to meet demand in that location. There has been a heavy dependence on sites in the north west of the county but the resources in that locality have almost been worked out. The current sites well placed to meet any market need in Coventry and Rugby (assuming sales follows local geography rather than pure commercial reasoning) but are some distance from others area when growth and demand are expected such as in Stratford upon Avon district. One of the working sites has a limitation on vehicle numbers and routes and the other uses off site processing facilities which has a limited life.

From the information supplied by the promoters of both allocated and rejected sites there appear to be no major limitations on the nature, type and qualities of the sand and gravel available in the county. The construction materials derived from sand and gravel deposits are capable of being produced in the county. Both coarse and fine aggregates, are available in the county and concrete remains an important product which is capable of local manufacture to meet local demand.

Notwithstanding these issues there is a current vulnerability with the landbank for sand and gravel due to the low number of operational sites with permitted reserves which can maintain productive capacity in the county for the immediately foreseeable future.

Consequently, the landbank figure is added on to the plan requirement. The NPPF also requires that MPA's must plan for a steady and adequate supply of aggregates by:

- *ensuring that large landbanks bound up in very few sites do not stifle competition; and*
- *calculating and maintaining separate landbanks for any aggregate materials of a specific type or quality which have a distinct and separate market.*

Since the Publication consultation we have produced a new Local Aggregate Assessment for 2017. From the figures in Table 2 it can be seen that the landbank



has been greatly increased in 2016/17 which could suggest that the plan requirement should be lower if the full landbank is included in the calculation. Consequently, we need to look behind the figures.

The situation in the county is that there are five sites with permitted reserves – see Appendix 1. Over 70% of the permitted reserves are now tied up in one site which is Brinklow to the east of Coventry.

We also need to take in to account that apart from Brinklow there is only two other sites currently in operation. Brinklow's productive capacity has been assessed at 170,000 tonnes per annum as stipulated in the Environmental Statement for the recent planning approval for an extra 3.4 million tonnes and this is further limited by the fact that there are strict controls in regard to lorry movements so that it cannot produce larger quantities of sand and gravel within the plan period. Consequently, it is likely to produce 2,550,000 million tonnes (as at 1.1.17) in the plan period. This means that 2.038 million tonnes of reserve (for production years 2033 – 2046) cannot be counted in the plan requirement as the reserves will only be able to be extracted in the next plan period. High Cross has only just recommenced working but at very modest levels and is subject to an undetermined planning application to continue working the current reserve beyond the expiry date to 2044. If permission is refused the reserve would be lost and would need to be accounted for in the plan requirements. Equally if permission is granted then only that element which can be delivered in the plan period could be counted for plan making purposes.

## **5.2 Calculating the Plan Requirement (See Appendix 4)**

To show in more detail how we have worked out the new plan requirement using the latest figures, we have used a template which is attached in Appendix 4. Firstly, based only on the available reserves in the plan period, the permitted reserves in the plan period have been calculated as 6.688 mt minus 2.037 (excluded from the total Brinklow reserves). This is approximately 4.651 million tonnes.

The landbank (which is always referred to in number of years) is the reserves figure (4.651) divided by the 10 year average (0.508) = 9.3 years.

The plan requirement is based on the total number of years of the plan ie 15 years from now. This figure is multiplied by the latest 10 year average (0.5). Therefore 15 years multiplied by 0.508 mt = 7.5mt. Comments from objectors at Publication stage suggest the methodology of including a landbank throughout the plan period as part of the plan calculation is unsound, but we do not agree with that argument, as it is considered unsound not to plan to maintain at least a 7 year landbank through the plan period. In addition, we consider it could be unsound to count recycled aggregates in the equation for the plan requirement. However, this does not mean

that any such proposed sites could not be encouraged, in accordance with the principles of the Waste Hierarchy.

In the NPPF it says “so far as practicable, take account of the contribution that substitute or secondary and recycled materials and mineral waste would make to the supply of materials..” The NPPF acknowledges that in certain circumstances it may not be possible for these types of materials to make a contribution to supply because they do not exist, they are not capable of being worked due to environmental and planning constraints, or they are uneconomic to be worked due to technical problems.

In the case of Warwickshire they are currently few sources of secondary aggregates. These are usually sourced as a bi-product from industrial processes. Some imported incinerator bottom ash is processed in the county but there is no longer any coal working, there are no power stations nor steel works, nor any incinerators within the county and it is uneconomic to transport slate or china clay wastes from Wales and the South West.

There are sites with the capacity to produce construction materials from construction, demolition and excavation wastes but some of these are subject to time limited consents, planning restrictions and are closely linked to the restoration of former mineral workings some in the Green Belt.

Clearly recycled aggregates produced in the county make a contribution to the supply of materials but they are limited largely by the scale of construction and demolition activity within or in the vicinity of the county and the type and quantity of feedstock materials available from that source of recycling. The aggregate materials produced generally vary in quality and cannot meet all specifications: for higher specifications such as load bearing concrete, use of high quality land-won aggregates is usually the only practicable option.

As has been said above, the NPPF states that the plan must maintain at least a 7 year landbank throughout the plan period, so we have assumed that we start the plan with a seven year landbank in place. This is calculated as 7 years multiplied by 0.508 (10 Year Average) = 3.556. Therefore, the total plan requirement is 7.620 + 3.556 = 11.176 mt over the whole plan period. This calculation is set out in Appendix 4.

Taking in to account the existing reserves of 3.288mt plus the new available reserves (in the plan period) at Brinklow, which is 1.363mt = 4.651mt. This figure is subtracted from the plan requirement of 11.176 mt. Finally, this leaves us with a plan requirement figure of 6.525 mt. (11.176 - 4.65 = 6.525mt)

The summary is that we need to provide 6.525 million tonnes over the plan period. This is lower than the total calculated last year in the Publication consultation which

was over 8 million tonnes. This reduction in the total is inevitable as each year the plan is delayed it brings down the 10 year sales average (see Figure 2).

Currently we have eight site specific allocations that could provide 8.48 million tonnes. This means that currently once the calculation is completed (8.48 – 6.525) there is an apparent overprovision of 1.955 mt. “Apparent” because there may be local factors which suggest that sites may not come forward for one reason or another such as planning and infrastructure requirements, changes to local markets and local demand, existing sites may close or become mothballed and not be replaced easily or as swiftly or changes to landowner requirements and preferences.

The issue we now have is to decide whether we keep the over provision because of other factors or reduce the number of sites and revise the draft plan.

### **5.3 Analysis of the Plan Requirement Figure**

#### **5.3.1 Options**

Having assessed the plan requirement based on the calculations using the 10 year average, we have to look at the local relevant information and factors as to justifying whatever figure we use as the final figure to take forward to submission of the plan. They are described as Option A and Option B.

#### **Option A**

The relevant local information which suggests that we build in an overprovision of 1.955mt and aim to provide 8.48mt to stimulate the market which includes the following reasons:

In view of the need to take account of any reassessment of reserves at sites, the required 7 + year landbank to be provided throughout the plan period and any contingency for the fragility of the current productive capacity in the county, the likely impact of future processing plant closures, the expiration of planning consents for mineral infrastructure, the lack of investment in new or replacement sites, the apparent reshaping of the local minerals industry in response to the recession, the very low number of continuing operational sites, the possible geographical disparity between future growth and existing quarries and the need to minimise reliance on imports, there is some justification for providing for additional provision in the plan.

\*Government policy on productive capacity can be found in paragraph 145 which requires the maintenance of landbanks of at least 7 years for sand and gravel while ensuring that the capacity of operations to supply a wide range of materials is not compromised. The NPPG at paragraph ID 27 – 084 says that there is no maximum

landbank level and sets out four reasons why an application for mineral extraction may come forward where there exists an adequate landbank.

These are:

- Significant future increases in demand that can be forecast with reasonable certainty;
- The location of the consented reserves is inappropriately located relative to the main market areas;
- The nature, type and qualities of the aggregates such as its suitability for a particular use within a distinct and separate market: and
- Known constraints on the availability of consented reserves that might limit output the plan period.

These reasons reflect the wording in paragraph 26 in the now withdrawn Guidance on the Managed Aggregate Supply System (October 2012) and similar wording in the withdrawn 2006 Planning Practice Guide (paragraphs 72-74) which dealt in particular with productive capacity and both documents, were for the purposes of dealing with planning applications and planning appeals until March 2014 when the NPPG came online, still in force.

In the opinion of the County Council therefore productive capacity is still relevant and can be taken into account when planning for the future supply of aggregates and in assessing the adequacy of the landbanks for sand and gravel.

There have been a number of site closures over the past decade due to the lack of planned reserves and the failure to secure planned reserves. Sites have also ceased working relying instead on the processing of imported materials. There also have been sites which have reserves but remained inactive.

The recession has also shaped operators commercial decisions about future patterns of supply, investment in existing, new and replacement sites and responses to demand for construction products and services. This is particularly true of the “major” operators who have almost left the county leaving only local businesses to meet current demands. The wishes of local landowners have also played a part in determining when and if sites come forward.

In the LAA 2016 there were only two sites producing sand and gravel at Brinklow and Wolston Fields. Since the publication of the LAA extraction has recommenced at High Cross quarry in the north of the county although at a very modest rate and the time period set out in the relevant planning consent has expired and a planning application is currently before the authority seeking to extend the time period for a further 26 years. Brinklow quarry has also now received planning permission for a further 3.4million tonnes of materials through a northern extension to the existing site.

The new planning permission for Brinklow quarry covers all existing and permitted operations and places limits on vehicle movements in and out of the site, hours of operation for both plant operations and associated vehicle movements, the extraction of clay each year and placed a limit of 30 years on mineral extraction. The permission is subject to a legal agreement which generally restricts the routing of HGVs to avoid Brinklow village. The approved ES assessed sand and gravel extraction at an average production rate of 170,000 tonnes per annum but no planning conditions were imposed restricting output from the site or noise limits or that all extracted sand and gravel must be processed through the mortar plant. Although the preference of the operator was to increase building sand production from the site it is a site of mixed sand and gravel resources with lenses of clay interspersed. The site also contains permitted plant for the recycling of inert wastes and facilities for the composting of green wastes allowing the operator to produce a wide range of materials from the site to meet a number of different markets including construction.

The reserves at Wolston are removed for off- site processing at Bubbenhall quarry a few miles to the south of the site. The planning permission at Wolston is subject to a number of planning conditions controlling time limits on extraction and restoration to 8 years from commencement, imposing a phasing plan, limiting extraction to no more than 900,000 tonnes, setting out hours of operation and noise limits, removing permitted development rights and defining separation distances to residential properties. The off- site processing plant at Bubbenhall is likely to cease operation in 2021 due to the need to complete landfilling on the site on time.

A planning application has been submitted to extract sand and gravel from the proposed allocations in Warwickshire in the draft MLP 2016 -17 (Sites 3 and 32) at Shawell Quarry as part of a joint scheme to work minerals in both Warwickshire and Leicestershire using the existing plant and access in the neighbouring county. If permitted the site would provide additional permitted reserves of 1.1million tonnes for Warwickshire but worked at rates of 350 - 600,000 tonnes per annum would only provide very short term increase in productive capacity of over 2 – 3 years during the early part of the plan period. Depending on timing that may simply replace some of the production from Wolston which is due to close well before the end of the plan period and therefore not help in sustaining the capacity likely to be needed over the life of the plan to meet current demand let alone any future increases in economic activity in the county.\*

- Future demand for sand and gravel is likely to be very large given the extent of new development planned in the county including large scale housing schemes around the main towns, the Warwick Gateway development and other large scale employment sites in the county plus potential demand from HS2 in future years even though demand is predicted to be met from outside the county.

- There are only two producing sites at present and 70% of sand and gravel permitted reserves are tied up in one major site in the county which has a cap on production limits controlled by conditions.
- When Wolston Fields Quarry closes within two or three years there will be no quarries producing concreting sand in the county. Brinklow Quarry only has a mortar plant and produces building sand for the general construction market.
- The county should strive to be self-sufficient and not rely on imports of sand and gravel in the future to meet the higher figure. The county may run out of concreting sand.

### **Option B**

Alternatively there is a case for reducing the Plan requirement figure to 2017 levels i.e. to a figure of 6.525 million tonnes based also on the relevant local information and factors:

- The three years average has fallen to 0.311mtpa whereas the 10 year average is 0.5mtpa and there appears to be no sign of a significant uplift in production or developments to meet future demand. The plan provides for known levels of growth in terms of housing, employment and infrastructure. Some weight, therefore, must be placed on the most recent trends.
- The 2017 figures incorporates the required landbank provision
- Planning approval of the proposed western extension to Shawell Quarry would provide additional productive capacity albeit short term
- With the development of more sophisticated mobile processing plant and smaller sites the need to rely on the existence of fixed plant to process materials in the county may diminish
- Depending on the location of existing facilities and markets imports will continue to make a contribution to the county's consumption of mineral resources
- Apart from Hansons and Smith's Concrete and Tarmac Trading Ltd, none of the major operators have engaged in the Minerals Plan Consultation process in terms of promoting sites either at Preferred Options Stage or Publication Stage suggesting that Warwickshire is no longer attractive for sand and gravel production on a large scale.
- The response of Landowners to the plan has been mixed. Very few have responded to the rejection of their nominated sites and in one case the landowner has withdrawn a site which appeared to be a reasonable site for progression in the plan.
- Given these factors the county may not be physically able or desirable to deliver a higher figure any longer.

It should be noted that the figures are based on the 10 year average which is dropping further. Next year the average will be lower still. The implications for agreeing each option are clear.

If Option A is pursued, it means that the plan figures stand as they did in 2016 and it means that the Plan will proceed to Submission on the basis that there will be an element of over provision but this can be justified because of a number of factors including having sufficient productive capacity to deal with the large internal construction demand from within the county. Whilst the 2016 ten year average has fallen, it takes account of an extra year of growth pre-recession to balance the years of low demand and is a fair and reasonable response to the current sustained period of low production.

If Option B is pursued it will involve agreeing lower plan requirement figures based on the (2017) 10 year average. This would mean that we would not be able to proceed to Submission stage as the figures would be different to the ones consulted on at Publication stage. It would mean revising the plan and consulting again at Publication stage based on the lower figures and it would mean re-assessing the number of Site specific allocations required including any sites which were previously rejected and subject to responses to the latest consultation such as Site no 12.

Whichever option is chosen it will be the agreed plan requirement figure that is taken forward to the Examination in Public.

## **6.0 Future Sand and Gravel Sites**

The preparation of this minerals local plan has focussed on sites nominated by landowners and the minerals industry and the ability of those sites and promoters to deliver the sand and gravel production the county requires to meet future economic demands. This is different to independently assessing the whole resource area to determine areas where working was potentially possible without the commercial knowledge of whether the site was viable, attractive or of interest to the industry or suitable for the market or likely to come forward as a planning application.

The plan requirement figure will be delivered by the specific sites proposed in the plan rather than by defining preferred areas or areas of search due to the need to offer up some level of certainty to both local communities and the minerals industry on where future mineral working in the county will be acceptable in planning terms. Eight sites were taken through the consultation process to this stage. There is no change to the status of the 8 sites which were consulted on at

the Publication stage; all the sites are still available and the owners still wish to see the sites included in the plan. The sites have been thoroughly assessed.

No	Site	Tonnage mt	Borough/District	Landowner interest
Site 1	Bourton on Dunsmore	1.15	Rugby	Site available
Site 2	Lawford Heath	2.0	Rugby	Site available
Site 3	Shawell Quarry	0.97	Rugby	Planning application submitted for 1.1 million tonnes
Site 4	Wasperton	1.8	Warwick	Site available
Site 5	Glebe Farm	0.3	Warwick	Site available
Site 6	Coney Grey Farm	0.4	Rugby	Site available
Site 7	Salford Priors	0.8	Stratford	Site available
Site 9	Lea Marston	1.06	N. Warks	Site available
	Total	8.48		

**Table 3: Current sites in the Warwickshire Minerals Plan**

The sites were assessed as part of the process carried out in 2015 for the Preferred Options Consultation. The assessment can be viewed in the “Minerals Plan – Site Assessment and Methodology for Allocating Sand and Gravel Sites – October 2015”.

The sites were reassessed for the Publication stage and this assessment can be viewed in the Site Identification and Assessment Methodology for Allocating Sand & Gravel site – November 2016

The initial sieving process used a number of factors which each site had to comply with. These were:

- Site availability
- Proven mineral resources
- Adequate potential tonnage
- Suitable access and routing arrangements
- HS2 Safeguarding Zone
- Biodiversity Value
- Geological Value
- Heritage Assets

The next step was the completion of more detailed site assessments for all sites that were not excluded after the initial assessment. This provided the necessary information to enable the selection of the preferred sites against a number of land use and planning policy constraints / information which had the potential to affect any allocation.



These can be summarised as

- Biodiversity Value and Legally Protected Species;
- Geodiversity Value;
- Natural Features not subject to statutory protection;
- Heritage Assets;
- Built Character;
- Landscape Character;
- Air Quality;
- Agricultural Land;
- Green Belt;
- Water Quality;
- Compatibility with Neighbouring Uses;
- Flood Risk;
- Flood Alleviation;
- Public Rights of Way;
- Highways Capacity;
- Use of Non-Road Transport Network;
- Airport Safeguarding Zones;
- Coal Referral Areas;
- Economic benefits

These were then assessed against a Sustainability Appraisal which looked at each of the criteria against social, economic and environmental sustainability objectives.

One of the major factors was that there should be a geographical spread of sites throughout the county to utilise existing mineral infrastructure, serve different market areas, reduce transport distances and use main transport routes and to ensure that quarries are not located too remotely from existing urban areas and proposed areas of major development such as the main towns in the county ie Leamington, Rugby, Warwick, Atherstone and Stratford.

In terms of the site specific allocations there are sites in 4 of the 5 boroughs and districts; the only borough that does not have a site proposed is Nuneaton. It should be noted that whilst sand and gravel is widespread throughout the county the most economically viable areas for extraction are focussed on the areas highlighted in the section 1 of this document; which is where the main sites in the plan are proposed.

#### External Factors

The map set out below shows the location and distribution of mineral infrastructure in adjoining areas near to the county boundary with Warwickshire. This would be useful if adjoining authorities were considering co-vergent mineral resources, market areas, development pressures and environmental and transport constraints when planning for future supply arrangements.

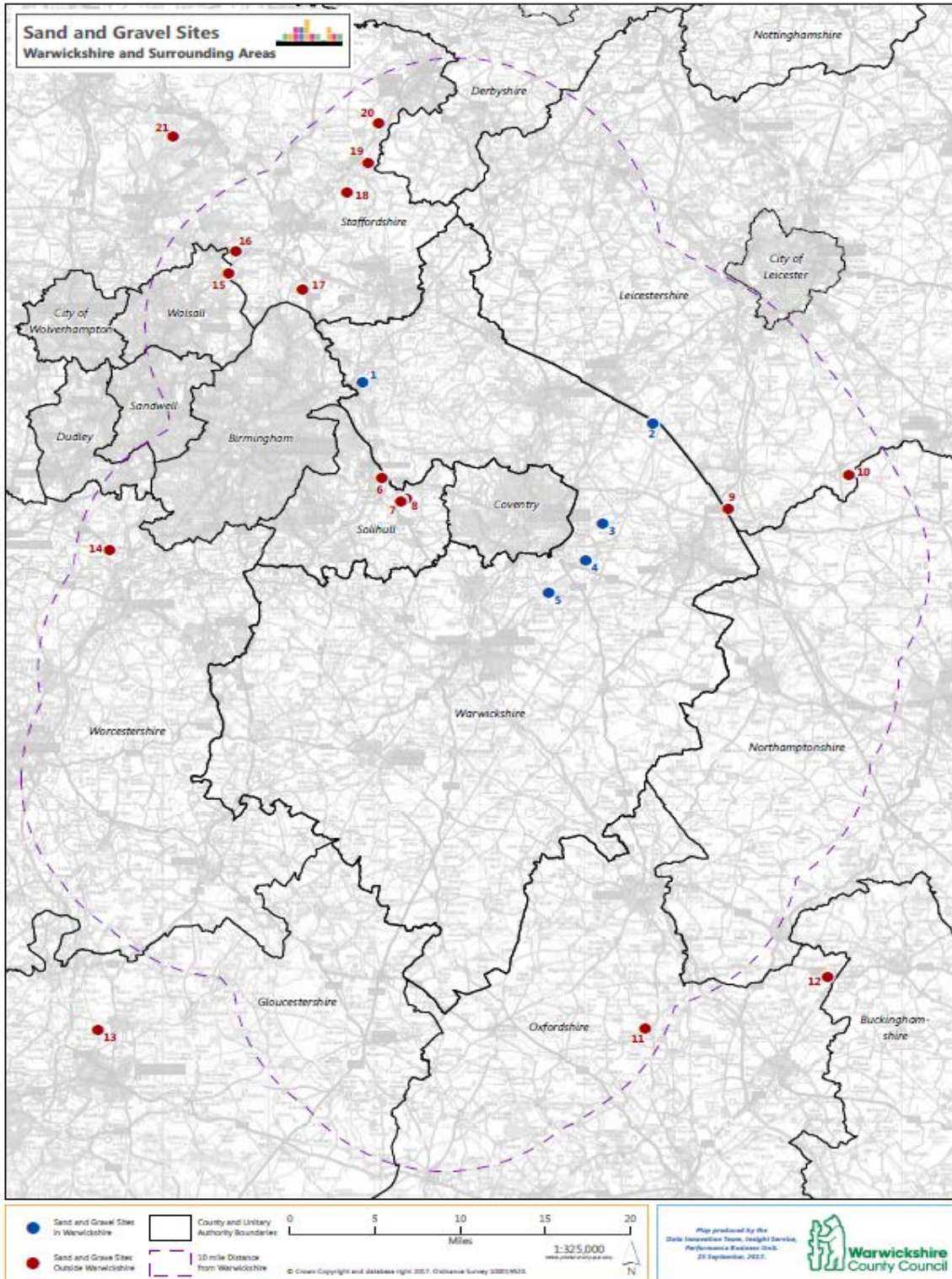


Fig 7 – Warwickshire and surrounding areas – sand and gravel sites

For the county there is only the specific area around Shawell Quarry which offers up any potential for cross border planning of future minerals supply. The expectation of the NPPF is that each authority should plan for its material requirements in the first instance before relying on imports from adjoining authorities or relying on others to sites near the border to serve a larger catchment area covering one or more mineral planning authorities.

It is interesting to note that in the south of the county there are few sand and gravel sites either inside or outside the county within other Mineral Planning Authorities. Most of the active sites in counties such as Northamptonshire, Gloucestershire and Worcestershire and Oxfordshire are located to the south of their own counties. This reinforces the fact that there is little cross boundary movement in the south of the county.

## **7.0 Conclusion**

The Topic Paper reveals a complicated picture for sand and gravel production in an area that has changed considerably even in the last 10 years. One factor remains the same, which is that the most economically viable sand and gravel is contained in relatively small geological areas to the west of Rugby and along the River Avon terraces near Warwick and Stratford.

Warwickshire up till 2007 was a one of the main sand and gravel producers in the West Midlands Region supplying 10% of the regional requirements. Then, for a number of reasons production declined rapidly the larger mineral operators stopped working in the county and sites which closed were not replaced by new sites. Now production is very low and there appears little chance of production increasing substantially in the near future due to the very low number of sites and the constraints under which those sites have to operate.

The Plan proposes sites to come forward which will meet local construction demand and provide a steady and adequate supply of sand and gravel to meet the demands of the construction industry in the county and help support economic growth in the county and sub-region.

The plan process has been influenced by two factors since the last consultation 1) a further fall in the 10 year average in one year and 2) the addition to the landbank of a large quantity of reserves from a new permission at Brinklow. These factors affect the overall plan requirement figure.

Based upon the figures and information available to the authority and the results of the last consultation on the publication plan we have produced two options. Firstly, we can proceed to Submission using the higher (2016) 10 year average figures in the plan and allocate more resource than is needed to seek to redress the large falls in production and other factors which could potentially restrict future supplies

The second option is to plan for a reduction in the total plan requirement to 6.525 million tonnes based on the 2017 (10) year average. This would mean repeating the Publication Stage of the plan with the new figures. This would also require a further site assessment, preparation of a revised Sustainability Appraisal and Habitats Regulation Assessment.

We have investigated the principle of recycled aggregates as a substitute for sand and gravel. This is largely in response to respondents who feel strongly that the authority should rely more heavily on its recycled aggregates capacity and its ability to provide materials which can realistically substitute for products produced from primary aggregate source such as land won sand and gravel.

We concluded that in practice this would lead to problems regarding the soundness of the plan because it would not be accepted practice by the industry to substitute recycled aggregates for primary aggregates inside the 10 year average. It could also lead to objections from other Mineral Planning Authorities, that the supply of recycled materials cannot be guaranteed or deliverable in the plan period and as such would increase pressure on them to make up any shortfall. However, the use of recycled aggregates should be encouraged in line with the Waste Hierarchy wherever they can make a contribution to the construction industry. The conclusion is that the contribution made by recycled aggregates is one of the relevant factors which show that Plan requirement need not be increased above the 10 years sales average (0.508mtpa).

## APPENDICES

### Appendix 1

<i>Sand and Gravel sites in Warwickshire with permitted reserves in 2016</i>			
<b>Site</b>	<b>Operator</b>	<b>Active?</b>	<b>Comments</b>
Brinklow Quarry	Aston Family	Yes	Ongoing production – recent large extension granted in 2017
Bubbenhall Quarry	Hansons/ Smith's Concrete	Yes for processing not for extraction	Minimal reserves left – site now used to process material from Wolston Fields Quarry.
Wolston Fields Quarry	Hansons /Smith's Concrete	Yes	Approved in 2014 – Work started on site in 2015.
High Cross Quarry	KSD	Yes	Recently recommenced operations but at a very low level. New planning application currently under consideration to continue working until 2044
Dunton Landfill	KSD	Yes for landfill not mineral extraction	Small reserve maintained – main focus now on aggregates recycling.

## **Appendix 2.**

### **Minerals Infrastructure in Warwickshire – Aggregate Minerals**

Type	Site Name	Address	Tel.No.	Status
Fixed Processing Plants				
	Bubbenhall (Smiths Concrete)	Waverley Wood Farm, Weston Lane, Coventry CV8 3BN	01295 753800	Operational for imported materials until 2021 when landowner requires removal of the plant
	Brinklow Quarry	Highwood Farm, Coventry Road, Brinklow, Rugby, CV23 0NJ		Operational
	Ling Hall Quarry (Breedon)	Coalpit Lane, Lawford Heath, Warks, CV23 9HH		Operational for imported materials
	Dunton Quarry (KSD Recycled Aggregates)	Lichfield Road, Curdworth, Sutton Coldfield, B76 0BB		Operational for recycled and imported materials until 2021 when planning permission expires
Mobile Processing Plant				
	High Cross Quarry			Operational
Asphalt Plants				
	Mancetter Quarry (Lafarge)	Quarry Lane, Mancetter, Atherstone,		There are two plants on site. Operational for

	Tarmac)	Warks, CV9 2RF		both on site and imported materials
	Ling Hall Quarry (Breedon)	Coalpit Lane, Lawford Heath, Warks, CV23 9HH		Operational for imported materials
	Griff IV Quarry (Midland Quarry Products)	Gypsy Lane Nuneaton CV10 7PH		Operational until 2032 using imported materials
Concrete Batching Plants				
1	Ling Hall Quarry (Breedon)( 1 <sup>st</sup> Mix)	Coalpit Lane, Lawford Heath, Warks, CV23 9HH	0845 413 5208	Operational for imported materials
2	Bubbenhall Quarry (Smith Concrete)	Waverley Wood Farm, Weston Lane, Coventry CV8 3BN	01295 753800	Operational for imported materials
3	Atherstone Airfield (Smith Concrete)	Atherstone Airfield, Atherstone on Stour, Warwickshire, CV23 8NJ		
4	Coventry Concrete Plant (Cemex)	Bayton Road, Exhall, Coventry, Warks, CV7 9EJ	02476 360416	
5	Brandon (Coventry Concrete Plant – Breedon formerly Lafarge Readymix Ltd)	Brandon Lane, Willenhall Coventry CV3 3GW	01332 694000	
6	Dunton Quarry (KSD Recycled Aggregates)	Lichfield Road, Curdworth, Sutton		Operational for both recycled and imported

		Coldfield,B76 0BB		materials
7	Cemex Rugby RMC Plant	Orchard Road Industrial Estate, Dunchurch, Rugby, Warks CV23 9LN	01788 521885  0345 155 1835	
8	Dunchurch (Tarmac Topmix Ltd  Ace Mini Mix)	Dunchurch Trading Estate, London Road,  Dunchurch, Rugby, CV23 9LN	01902 382803	
9	Warwick (Smiths Concrete)	Budbrooke Industrial Estate, Budbrooke Road, Warwick CV34 5XH	01295 753800	
10	Bedworth (Hanson)	Bayton Road, Exhall, Coventry, West Mids. CV7 9PH	0330 123 0690	
11	Cemex Rugby RMC Plant	Rugby Cement Plant, Lawford Rd, Rugby CV21 2RY	0345 155 1835	
12	Aggregate Industries	Highway Point, Gorse Lane,  Coleshill  B46 1JU	0121 753 6420	
13	The Rock Solid Concrete Company (Mixer Hire Ltd)	Unit 89 Bayton Road  Exhall  Coventry  CV7 9QN	024 7601 4749	
14?	Warwickshire	Bayton Road	024 7636 0808	



	Mini Mix	Exhall Coventry CV7 9EJ		
Bagging Plants Aggregates	Bubbenhall Quarry (Smiths Concrete)			Facility to bag aggregates relocated to Hanson's Nuneaton site.
	Tarmac Nuneaton Packed Products	Mancetter Road, Hartshill, Nuneaton, Warks, CV10 ORT	0333 003 4868	Operational
	Hanson Packed Products, Nuneaton	Griff Clara Industrial Estate, Off St Davids, Nuneaton, CV10 7PP	0330 123 2074	
Concrete Products				
Blocks	Hanson Thermolite (Forterra)	Canton Lane, Hams Hall Distribution Park, Coleshill, Birmingham, B46 1AQ	01675 468000	
Mortar Plants				
	Brinklow Quarry (Premier Mortars Ltd)	Coventry Road Brinklow Rugby CV23 ONJ	02476 454293	Operational
	Bubbenhall Quarry (Smith Concrete)			Plant not operational
Rail served	None			

Facilities and Plant				
Water served Facilities and Plant	None			

### **Appendix 3**

<i>Aggregate recycling sites in the county (2016)</i>					
Site number	Site name	Operator	Permitted Capacity (tpa)	Date of permission	Time Limited?
1	ABS, Tuttle Hill, Nuneaton	ABS	Unlimited – (Transfer)	October 1992	No
2	Hammonds Bayton Road, Bedworth	Hammonds	30,250	Originally approved in 1999	No
3	Brinklow Quarry, Highwood Farm, Brinklow	Mrs J Aston	45,000	February 2007	Required to cease at end of the mineral operation
4	Canalside Yard, Napton	Jordan Contracts Midlands Ltd	Unlimited	Sept 2004	No
5	Coleshill Quarry, Coleshill	Cemex/ Weavers Hill Aggregates	90,000	Sept 2011 (Renewal of permission)	20.09.14
6	Dunton Quarry, Curdworth	KSD	500,000*	May 2012 (Renewal of permission)	31.12.21
7	MAC Griff Clara	MAC Contracting	75,000	July 2012	No
8	Griff IV Quarry, Nuneaton	WCL Quarries Ltd	25,000	October 2012 (subject to S106)	31.12.32
9	Middleton Hall Quarry,	Parkstone /Hanson Aggregates	65,000	May 2012	31.12.22

\*Unlimited capacity for planning. Figure refers to EA Licenses.

## **Appendix 4**

Warwickshire Minerals Local Plan 2016 – 17

Sand and Gravel Plan Requirements 2017

	<b>The Annual Landbank</b>	
1	Permitted reserves as at 1.1.17	3.288
2	Annual rate of future demand (latest 10 year average)	0.508
3	Life of actual landbank (in years) at 1.1.17 (1 ÷ 2)	6.47 years
<b>The Plan Requirements</b>		
4	Local Plan Period 1.1.17 – 1.1.32 (15 x 0.508)	7.620
5	7 year landbank (7 x 0.508)	3.556
6	TOTAL (4 + 5)	11.176
<b>Existing Provision</b>		
7.	Permitted reserves at 1.1.17	3.288
8	Reassessment of Permitted Reserves since 1.1.17	0
9	New Grants of permission since 1.1.17 Brinklow Quarry – 3.4mt (1.363 mt during and 2.037 mt beyond the Plan period)	1.363
10	Contribution from unpermitted Saved MLP Allocations (PAs/AoS)	0
11	TOTAL (7 + 9 +10 - 8 )	4.651
<b>Final Requirements and Plan provision</b>		
12	(6-11)	6.525
13	The Plan provision (see 12 above)	6.525
14	Sum total of the estimated reserves in the Allocations in the Plan	8.480
15	Under provision ( 13 exceeds 14) or Over provision (14 exceeds 13)	Over 1.955

### Notes

1. The annual landbank is the landbank which is recalculated each year and used for development management purposes.
2. Annual rate of demand is the rolling ten year average (chosen baseline or latest) derived from the latest published LAA.
3. The reassessment of permitted reserves may increase or decrease the level of reserves.
4. The available tonnage from new grants of permission is determined by calculating the anticipated annual production for the remainder of the plan period.
5. NPPF para 145 says provision should take the form of (allocations) specific sites, preferred area and/or areas of search and locational criteria.

WCC August 2017

## **Appendix 5**

### Warwickshire Aggregates Planning Applications since 2009

Site	Material	Tonnes submitted /approved	Planning App Number	Date Registered	Date Approved
Shawell Quarry	S and G*	Sub. 1.1mt	RBC/16CM004	19.01.17	Under consideration
Brinklow Quarry, Rugby	S and G	App.3,400,000	RBC/16CM015	03.02.16	Approved 6.7.17
High Cross Quarry	S and G	Sub.1,600,000	RBC/15CM019	20.06.16	Under consideration
Mancetter Quarry	Crushed Rock	App.2,000,000	NWB/14CM034	29.09.14	Aug 2015
Wolston Fields Quarry	S and G	App. 900,000	RBC/12CM018	14.05.12	06.02.14
Marsh Farm Quarry	S and G	App.500,000	S/09/CM018	22.07.09	May 2010

\*S and G – Sand and Gravel

# Appendix 6

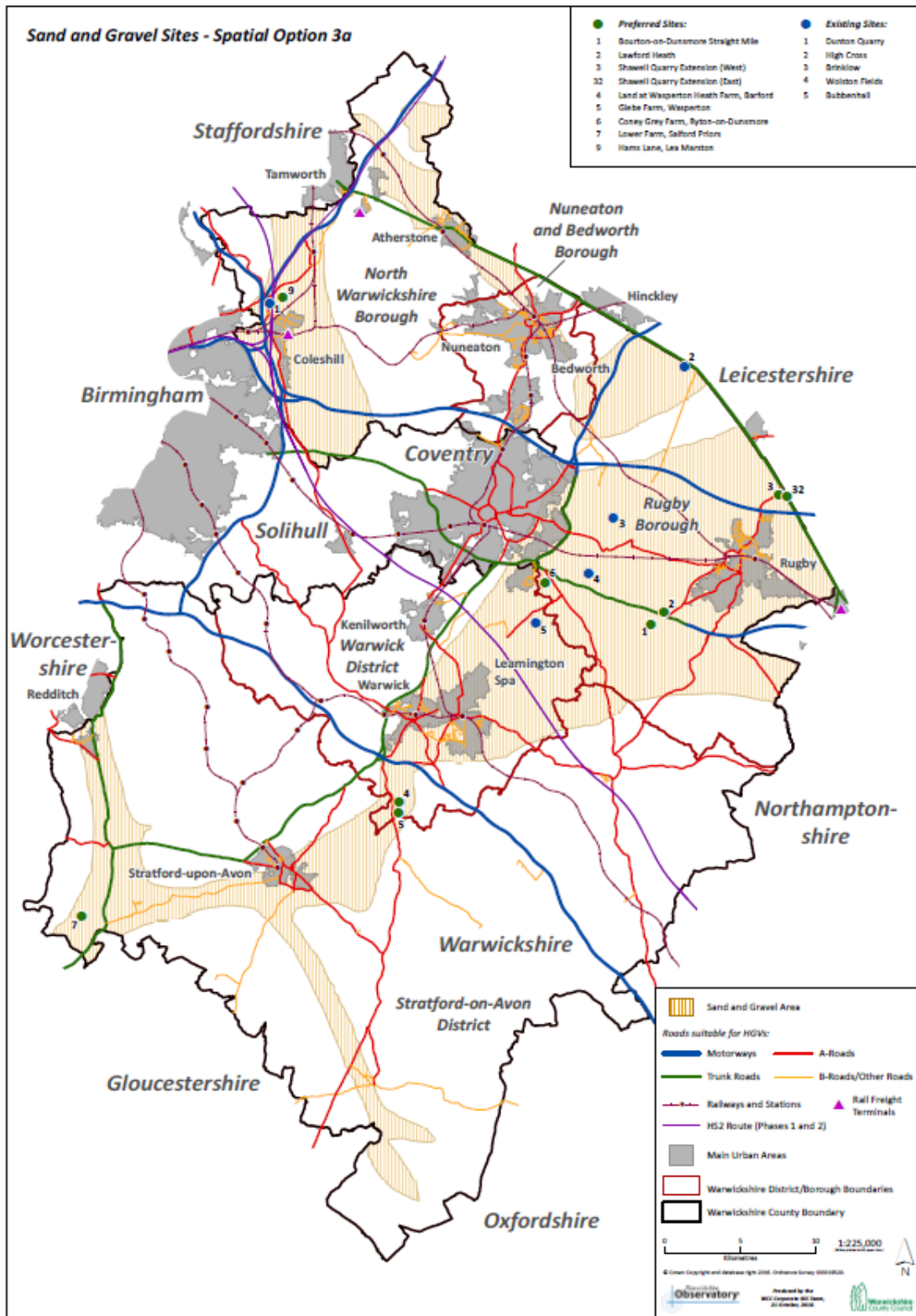


Fig 8 Existing Sand and Gravel Sites in Context



## **Cabinet**

**10 October 2017**

### **OFSTED Single Inspection Framework (SIF): Action Plan**

#### **Recommendations**

- 1) That Cabinet endorses the actions in the OFSTED action plan
- 2) That an update on the progress of the action plan is brought to Cabinet in 6 months' time.

#### **1.0 Introduction**

- 1.1 The Warwickshire OFSTED Single Inspection Framework (SIF) report was published on 14 July 2017.
- 1.2 The inspection report provided a judgement of "requires improvement" and detailed 12 recommendations and noted a number of positive findings.
- 1.3 This report summarises the key messages from the OFSTED report and presents Warwickshire County Council's OFSTED action plan, which outlines the steps being taken to address the recommendations.
- 1.4 The action plan was presented to the Children and Young People Overview and Scrutiny Committee on 26 September 2017 who endorsed the actions within the plan.

#### **2.0 Positive Findings**

- 2.1 The OFSTED report endorsed that children are safe in Warwickshire.
- 2.2 Practice was praised in a number of areas, including our work with our most vulnerable children through, the Multi-Agency Safeguarding Hub (MASH); arrangements for tackling Child Sexual Exploitation, our work around children missing from home, care and education and effectively supporting children looked after with disabilities.



- 2.3 The report also highlighted the effective work undertaken by our family support workers, our Emergency Duty Team and the high quality of social work assessments.
- 2.4 Adoption is a real strength and we have more “fostering to adopt placements” than many other authorities, this means that children become part of their new permanent families at the earliest opportunity.
- 2.5 Our work with unaccompanied asylum seeking children is culturally sensitive and responsive to these vulnerable young people’s needs. We work closely with care leavers to ensure they are aware of their entitlements to financial support to set up home or to access education and training and to ensure their achievements and progress are recognised.
- 2.6 The report noted that we have a vibrant and active Children in Care Council (CICC), supported by a well-designed system of elections to ensure children looked after and care leavers of various ages are involved.
- 2.7 The inspection report was extremely complimentary about our staff and the relationships which they forge with children, young people and families.

### **3.0 OFSTED Recommendations**

3.1 The report detailed the following 12 recommendations:

1. Ensure that all children and families have access to good-quality early help services as soon as they need them and that the early help strategy is fully understood and delivered in partnership with all agencies.
2. Ensure that the workloads of social workers, including newly qualified staff, and IROs are reduced in line with the authority’s stated aims to enable them to provide consistently high-quality services to children.
3. Accelerate plans to fully integrate the electronic recording system so that accurate data can be produced and used effectively by all staff to measure and improve practice.
4. Ensure that there are a sufficient number and range of good-quality placements to provide stable and well-matched homes for children looked after.

5. Ensure that appropriate work is undertaken with the police and Warwickshire Youth justice service to reduce the incidence of overnight stays in police custody for young people.

6. Review and revise arrangements to ensure that care leavers gain appropriate practical skills, including budgeting, before they leave care.

7. Ensure that pathway plans are effective to support and challenge young people to achieve better outcomes.

8. Consistently evidence the child's voice on the child's case record to ensure that their wishes and feelings about life at home are clearly recorded and understood and that, when appropriate, advocacy is made available to ensure that young people's views are heard.

9. Prioritise plans to reduce the length of time children looked after have to wait to receive support for their emotional well-being and mental health.

10. Strengthen assessment, planning and support when children looked after return to their birth parents and wider family settings.

11. Ensure that the corporate parenting panel offers sufficient scrutiny of services and challenge in partnership with young people to improve services.

12. Ensure that regular meetings between the agency decision-maker and the panel chair are embedded in practice to support accountability and discussions about the quality of the service.

3.2 These recommendations and additional learning from the report have been incorporated into an action plan.

#### **4.0 OFSTED Action Plan**

4.1 The 12 Recommendations and findings in the OFSTED report have been mapped against the One Organisational Plan outcomes and the Children and Families key business outcomes, these being:

- Fewer Children need to come into or stay in care
- Children are in good quality placements that deliver value for money
- Children's needs do not escalate and become complicated & expensive

- 4.2 Supporting practice improvement actions have been mapped separately against:
- Champion consistent and good quality practice
- 4.3 Actions have been grouped under the above headings and leads have been assigned, each supporting action has been assigned a Responsible Officer. Some actions and Responsible Officers sit outside the Business Unit and these actions will be further developed with colleagues from across the Council.
- 4.4 The actions in the plan reflect our key priority areas:
- 1) recruiting additional social workers to ensure the size of our caseloads are reduced
  - 2) embedding the case-recording system
  - 3) improving our strategic engagement with Health
  - 4) working closely with partners to ensure children and families get the right help at the right time.
- 4.5 Equality Analysis is being completed for the Children and Families Transformation Programme, which includes the actions outlined in the OFSTED action plan.
- 4.6 The OFSTED Action Plan is detailed in Appendix 1.

## **5.0 Risks**

- 5.1 The Children and Families Business Unit have been set a savings target of £9,447,000 by 2019/20. The Children's Transformation Programme has been established to deliver these savings. The actions in the OFSTED action plan are in line with the Children and Families Transformation Programme.
- 5.2 The risks associated with the programme are detailed in a Risk Register and these have been cross referenced with the Ofsted Action Plan.
- 5.3 The programme has 3 key projects, which underpin the Ofsted Action plan:
- Social Worker & Foster Carer Recruitment Project
  - 0-5 Redesign Project
  - One Team Project

5.4 All the risks and mitigating actions are monitored and reviewed closely by the Children's Transformation Board.

5.5 The action plan outlined in Appendix 1 can be delivered within the resources allocated to the services as part of the Medium Term Financial Plan underpinning OOP 2020

## 6.0 Monitoring

6.1 The actions in the OFSTED action plan are linked to the Children and Families Transformation Plan and will be monitored as a subset of the Programme. In addition, quarterly reporting to Corporate Board has been agreed, with the first report on progress scheduled for 18 October 2017.

## 7.0 Next steps

- Engage appropriate colleagues within and outside the Business Unit
- Monitor the action plan as outlined

## Background Papers

None

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This report was circulated to the following members prior to publication:

Local Members: N/A

Other Members: Councillors Dahmash, Morgan, Roodhouse, Williams, Hayfield, C.Davies

**OOP Outcome : Warwickshire's Communities and Individuals are supported to be safe, healthy and independent**

**OOP Key Business Outcome: Fewer Children need to come into or stay in care**

Subject	Lead	No	Summary	Actions	Deadline	Responsible	What does Good Look like? (as detailed in the Ofsted Handbook)	Progress to date (Sept 2017)	
<b>Ofsted recommendation 1:</b>  <b>Ensure that all children and families have access to good quality early help services as soon as they need them and that the Early Help Strategy is fully understood and delivered in partnership with all agencies</b>	Marina Kitchen (MK) & Bill Basra (BB)	1.01	Strategic vision and plan to be developed	Write a strategy and plan for the delivery of Early Help	February 2018	Marina Kitchen / Bill Basra	A clear vision and plan detailing the interface between EH and statutory social work, which is clearly and effectively differentiated.		
				Ensure an overarching outcomes framework is agreed and joins up with the work of the Council and external partners	February 2018				
		1.02	Consult and engage with Partner agencies, including Schools, Health and Adult Services in regard to Early Help (EH) work and agree a joint vision	BB to link with Pat Tate and Jayne Spilsbury re dialogue with Head Teachers	October 2017		Partner agencies, including Schools, Health and Adult Services have clarity on the Thresholds for Intervention, fully understand what part they play in safeguarding children and young people and act at the earliest opportunity.		
				MK/BB to link with Health re EH Involvement and offer	October 2017			Early Help Single Assessment Form reviewed and updated on Mosaic. New form to go live Sept 2017	
				Improve quality and timeliness of early help single assessment completion	October 2017				
				MK/BB to link with providers who work with adults who are parents re Early Help offer	October 2017				
		1.03	Ensure Thresholds for Intervention (TfI) is understood by partners	Rollout TfI workshops	September 2017		John Coleman	Thresholds for intervention accord with the requirements of legislation, are appropriately understood by partners, consistently applied, well embedded reviewed and updated regularly.	Contend agreed and workshops have started. 40 workshops have been planned up to March 2018. To date 400 people have signed up to attend.
				Participate in Consultation workshops with Head Teachers					
		1.04	LGA to do research into how schools and other partners view Early Help to be delivered and the support required by them to do so successfully and proactively	Feed the LGA research into the vision and strategy	November 2017		Jenny Butlin-Moran	A clear vision and plan detailing the interface between EH and statutory Child protection, which is clearly and effectively differentiated.	LGA Peer Review scheduled from 13-15 November 2017 A Questionnaire to be issued to Partners in advance of the review (Sept 2017).
		1.05	Joint initiative between the Warwickshire Safeguarding Children Board (WSCB) and the Local Authority (LA) to ensure that safeguarding partnership arrangements are robust.	To clarify the governance arrangements between WSCB, Health and Wellbeing Board (HWBB) and LA	October 2017		Marina Kitchen / Beate Wagner	The governance arrangements enable LSCB partners including HWBB to assess whether they are fulfilling their statutory responsibilities to help (including early help) to protect and care for children and young people. The LSCB effectively prioritises according to local issues and demands and there is evidence of clear improvement priorities identified that are incorporated into delivery plan to improve outcomes.	Memorandum of Understanding drafted, this will be approved by the boards.
1.06	Early Help to be a priority for the WSCB	September 2017		Beate Wagner	Complete				

**OOP Outcome : Warwickshire's Communities and Individuals are supported to be safe, healthy and independent**

**OOP Key Business Outcome: Fewer Children need to come into or stay in care**

Subject	Lead	No	Summary	Actions	Deadline	Responsible	What does Good Look like? (as detailed in the Ofsted Handbook)	Progress to date (Sept 2017)
Improve Health partnerships and engagements	Beate Wagner (BW) /John Dixon (JD)	1.07	Ensure Health Colleagues are aware of the Ofsted recommendation.	Share Ofsted Plan	Completed	n/a	Health partners are fully engaged in both the Early Help and protection. This will enable CYP&F to be offered and receive help and support at the right time by health partners linking in with and co locating with services provided by the local Authority.	Completed
		1.08	Ensure clarity re governance arrangements	Terms of Reference are being developed for the Children and Families Partnership Transformation Board, including its sub groups in line with the development of other WCC Boards.	September 2017	Beate Wagner	Information sharing will be robust, safe and proportionate between all partners including health.	Draft Terms of Reference compiled, to be finalised at the next Transformation Board
		Safeguarding children to be a priority for the HWBB		Completed	n/a	C&YP are in good health or are being helped to improve their health and their health needs are identified.	Completed	
		1.10	Continue to seek Health Representative in the MASH via the Children and Families Partnership Transformation Board	September 2017	Beate Wagner	Child and adolescent mental health provision, therapeutic help and services for learning and physically disabled C&YP are available when needed and for as long as required.	A Band 7 post has been agreed for inclusion in the MASH. Awaiting advert to go live.	
Commissioned services	Kate Harker (KH)	1.11	Provide development opportunities for commissioned services within operational teams including co-location as appropriate	KH to liaise with commissioned services to take forward	March 2018	Kate Harker	Commissioned teams work alongside in-house teams with good communication in place and joint working as appropriate	Commissioners have been out to team meetings in the last couple of months to raise awareness of commissioning and how we can better support social workers. Our broker also sits in the hub alongside operational colleagues. Operational Colleagues are integral and part of all key projects.
		1.12	Look at opportunities for services commissioned elsewhere in the Council to contribute to the Children's Transformation Plan	KH / BB / MK to liaise with commissioned services to take forward	March 2018	Bill Basra / Marina Kitchen	Service commissioned by the wider Council are shaped to deliver to the priorities of the children's transformation plan	
		1.13	<b>Ofsted recommendation 9: Prioritise plans to reduce the length of time children looked after have to wait to receive support for their emotional well-being and mental health.</b>	KH to liaise with commissioned services to take forward	March 2018	Kate Harker	Child & adolescent mental health provision, therapeutic help and services for learning or physically disabled children and young people are available when needed and for as long as they are required	New CAMHS contract went live 1 August 2017  The Children's Strategic Commissioning Team are working with C&F Transformation Team

**OOP Outcome : Warwickshire's Communities and Individuals are supported to be safe, healthy and independent**

**OOP Key Business Outcome: Fewer Children need to come into or stay in care**

Subject	Lead	No	Summary	Actions	Deadline	Responsible	What does Good Look like? (as detailed in the Ofsted Handbook)	Progress to date (Sept 2017)
Improve engagement with Partner Agencies in Strategy meetings and conferences	John Coleman (JC)	1.14	Partner attendance at strategy meetings held by locality teams	To liaise with the Police to ensure consistent representation in Strategy discussions	December 2017	John Coleman	Professional relationships between the local authority and partner organisations and commissioned service providers are mature and well developed. Accountabilities are embedded and result in confident, regular evaluation and improvement in the quality of help, care and protection that is provided.	Teams are collating information on attendance, which will be discussed with the Police.  As appropriate this information will also be used to discuss attendance with other partners.
	John Coleman (JC) / Mary Eccleston (ME)	1.15	Strategy meetings and conferences	To review the process of Strategy meetings and Conferences	December 2017	John Coleman / Mary Eccleston	Professional relationships between the local authority and partner organisations and commissioned service providers are mature and well developed. Accountabilities are embedded and result in confident, regular evaluation and improvement in the quality of help, care and protection that is provided.	

**OOP Outcome : Warwickshire's Communities and Individuals are supported to be safe, healthy and independent**

**OOP Key Outcome : Children's needs do not escalate and become complicated & expensive**

Subject	Lead	No	Summary	Actions	Deadline	Responsible	What does Good Look like? (as detailed in the Ofsted Handbook as appropriate)	Progress to date (Sept 2017)
<b>Ofsted recommendation 2:</b>  <b>Ensure that the workloads of social workers, including newly qualified staff, and IROs are reduced in line with the authority's stated aims to enable them to provide consistently high-quality services to children</b>	Marina Kitchen (MK)	2.01	Recruitment, retention and adjustment of caseload is underway	Continue to manage the project, which includes the recruitment of 40 social workers	March 2018	Marina Kitchen	All teams will be fully staffed with a mixture of experienced and newly qualified social workers and case loads will 15 on average. Caseloads of newly qualified or less experienced staff will reflect their level of development and experience  The team will have a manageable caseload of less approximately 80 cases which will enable the IROs to demonstrate ongoing monitoring of the LA's corporate parenting responsibilities	Work for them' campaign to be launched November 2017  The campaign will also include the recruitment of foster carers
	Sarah Harris (SH)	2.02	Recruitment day in June for newly qualified social workers - supported by Principal Practitioner	Recruitment Day to be arranged  Support arrangements to be put in place via Principal Practitioners	Completed  September 2017	n/a  Sarah Harris		Completed
	Jenny Butlin-Moran (JBM)	2.03	Recruitment of 4 additional Independent Reviewing Officers, 1 deputy operations manager and 2 additional case conference secretaries	Recruitment to be included in the wider "Work for Them" campaign	December 2017	Jenny Butlin-Moran / Marina Kitchen		Recruitment has started, advert is live.
Ensure Designated Officer arrangements for management of allegations against professionals are robust	Jenny Butlin-Moran (JBM)	2.04	Recruitment of 2 fte Local Authority Designated Officers (LADOs) and 1 fte minute taker.	Recruitment to be included in the wider "Work for Them" campaign	December 2017	Jenny Butlin-Moran / Marina Kitchen	There is a timely and effective response to referrals, including out of normal office hours.	To be included in the 'Work for Them' campaign



**OOP Outcome : Warwickshire's Communities and Individuals are supported to be safe, healthy and independent**

**OOP Key Business Outcome : Children are in good quality placements that deliver value for money**

Subject	Lead	No	Summary	Actions	Deadline	Responsible	What does Good Look like? (as detailed in the Ofsted Handbook)	Progress to date (Sept 2017)
Care Leavers	Brenda Vincent (BV)	3.01	Ensure improved planning for independence including with foster carers	<p><b>Ofsted recommendation 6:</b></p> <p><b>Review and revise arrangements to ensure that care leavers gain appropriate practical skills, including budgeting, before they leave care</b></p>	March 2018	Brenda Vincent / Dave Jones	Care Leavers succeed in their transition to greater independence and adulthood at a time that is right for them. Accommodation for care leavers is appropriate for each young person to safely develop their independence skills.	<p>A Care leavers course on independence skills took place in August 2017, take-up was limited</p> <p>Evaluation from the course is being gathered to inform the future strategy.</p> <p>Accommodation strategy working group established. There is an ongoing programme of work planned that will incorporate this with specific actions and responsibilities assigned.</p>
		3.02	<b>Ofsted recommendation 7:</b> <b>Ensure that pathway plans are effective to support and challenge young people to achieve better outcomes</b>	Review current format within MOSAIC of pathway plans to ensure they are SMART and young people led	December 2017	Brenda Vincent / Jo Davies	Pathway planning is effective and plans (including transition planning for those with learning difficulties) address all yp's needs and are updated as circumstances change Care leavers develop skills and confidence they need to maximise their chances of successful maturity to adulthood.	This issue requires prioritisation as the methodology of completing the pathway plans is now also subject to a judicial review . Young people will be involved in this work
		3.03	Improve Education, Employment and Training (EET) opportunities for care leavers with particular emphasis on apprenticeships	Explore opportunities in the private sector for apprenticeships	October 2017	Brenda Vincent / Dave Jones	Care Leavers have access to appropriate education and employment opportunities including work experience and apprenticeships. They are encouraged and supported to continue their education and training, including those aged 21 - 24. Care Leavers are progressing well and achieving their full potential through life choices either in their attainment in further and higher education or their chosen career /occupation.	The Apprenticeship Hub has recruited additional staff to support young people.  The Education and Learning Business Unit have drafted an Action Plan to improve EET opportunities, a strategy document is also being compiled.
				Ensure information relating to care leavers is sent to Prospects as per our Service Level Agreement Linked to Performance Culture actions	September 2017			Completed
				Develop the role of the Corporate Parenting Panel and identify opportunities for the whole Council to take a proactive approach in respect of corporate parenting	In progress	Brenda Vincent / Beate Wagner / John Dixon		Completed  Corporate Parenting Panel strategy revised, to be presented to full Council on 21 Sept 2017

**OOP Outcome : Warwickshire's Communities and Individuals are supported to be safe, healthy and independent**

**OOP Key Business Outcome : Children are in good quality placements that deliver value for money**

Subject	Lead	No	Summary	Actions	Deadline	Responsible	What does Good Look like? (as detailed in the Ofsted Handbook)	Progress to date (Sept 2017)
Placement stability	Jamie Wait (JW) / Jenny Butlin-Moran (JBM) / Calvin Smith (CS)	3.04	Continue to develop our understanding of placement stability through data analysis	Interrogate data sets to aid understanding	In progress	Jaime Wait	The local authority knows itself well, is a learning organisation and can demonstrate, evidence of practice that is informed, modified and sustainably improved by feedback and intelligence.	Analysis completed, on-going intelligence to be included in performance reports.
		3.05	Undertake further audit of children from selected cohorts	Undertake audit and analyse findings	October2017	Jenny Butlin-Moran	Professionals and carers who know children & YP will work to develop positive relationships with them, are committed to protecting them and promoting their welfare.	Rita Luck (Service Development and Assurance) is undertaking further audits
		3.06	Ensure consistency and analysis of placement moves monitored by Case Decision Meetings (CDM)	Ongoing analysis	In progress	Calvin Smith	The local authority knows itself well, is a learning organisation and can demonstrate, evidence of practice that is informed, modified and sustainably improved by feedback and intelligence.	Quarterly meetings to be scheduled to correlate / analyse data from different sources, for example from CDM and Permanency Panel.
<b>Ofsted recommendation 4:</b>  Ensure that there are a sufficient number and range of good-quality placements to provide stable and well-matched homes for children looked after.	Brenda Vincent (BV)	3.07	Ensure foster care recruitment is in line with the Council's transformation plans	Dedicated Recruitment Officer to support and develop the Foster Carer recruitment campaign	December 2017	Brenda Vincent / Marina Kitchen	The recruitment, assessment, training, support, supervision, review and retention of foster carers including kinship carers...ensures that families approved are safe and sufficient in number...	Appointed Team Manager role for Foster Care Recruitment and Marketing Strategy (1 Sept 2017). Recruitment strategy to be updated and tracking process to be improved and shared widely
	Kate Harker (KH)	3.08	Improve commissioning arrangements for external foster placements	Review existing commissioning and contract management arrangements.	March 2018	Kate Harker	Children & young people whose care and support is provided by a third party provider to which statutory functions have been delegated will receive the same high quality services that they could expect from the social work service provided by a local authority	Provider workshop arranged with Independent Fostering Agencies took place 1 Sept 2017. Broker ringing providers as well as utilising the portal when she has capacity to do so. Advert for additional broker is now live.

OOP Outcome : Warwickshire's Communities and Individuals are supported to be safe, healthy and independent								
OOP Key Business Outcome : Children are in good quality placements that deliver value for money								
Subject	Lead	No	Summary	Actions	Deadline	Responsible	What does Good Look like? (as detailed in the Ofsted Handbook)	Progress to date (Sept 2017)
Ofsted recommendation 11:  Ensure that the corporate parenting panel offers sufficient scrutiny of services and challenge in partnership with young people to improve services	Brenda Vincent (BV)	3.09	Implement the reviewed arrangements for the Corporate Parenting Panel	Liaise with Democratic services to implement the changes to the Corporate Parenting Panel	In progress	Brenda Vincent	The local authority is an active, strong and committed corporate parent that knows the children and young people it looks after well. It is an effective and successful champion of their progress and an ambitious corporate parent, ensuring that each child has every opportunity to succeed.	Completed
		3.10	Launch the pledge and the Care Leavers Charter with all Elected Members	Liaise with Democratic services to ensure all Members are aware of the Pledge and Care Leavers Charter	September 2017	Brenda Vincent / Bill Basra		To be launched at full council on 21 Sept Completed
		3.11	Ensure the data available to the Corporate Parenting Panel supports effective challenge	Review the data set in line with the Performance Culture actions and review the Corporate Parenting Panel policy 2016-18	In progress	Brenda Vincent		Complete. The Corporate Parenting Panel has agreed its data requirements at its meeting on 5.9.2017. It is still to confirm its information needs from the virtual school which will be addressed at its next meeting.

**OOP Outcome : WCC makes the best use of available resources**

**Champion consistent and good quality practice**

Subject	Lead	No	Summary	Actions	Deadline	Responsible	What does Good Look like? (as detailed in the Ofsted Handbook where appropriate)	Progress to date (Sept 2017)
<b>Ofsted recommendation 10: Strengthen assessment, planning and support when children looked after return to their birth parents and wider family settings</b>	Sarah Harris (SH)	4.01	Explore the use of 'Going Home' tools.	Explore the use of 'Going Home' tools.	October 2017	Jenny Butlin-Moran	Care is used only if it is in the child's best interests, CYP are safely and successfully returned home where it is safe to do so, where this is not the case permanent plans are made to live away from the family home. Where the plan is for a child to return home there is evidence of purposeful work to help the family to change so it is safe for the child to return. Further episodes of being looked after are avoided unless they are provided as part of a plan for support.	Work has started with the new Transformation Operations Manager and the Principal Practitioners
		4.02	Explore Research in Practice (RiP) tool to use for Reunification	Explore what RiP have in terms of reunification tools	October 2017	Sarah Harris		
		4.03	0-5 Family Group Conferencing (FGC) project – explore further use for rehabilitation back home from care.	Explore the 0-5 FGC Project to support rehabilitation home from care	December 2017	Sarah Harris		
		4.04	Develop stronger strategies and oversight of rehabilitation back home from care.	Review use and effectiveness of parental Capacity to Change' assessments	December 2017	Sarah Harris		
<b>Ofsted recommendation 8: Consistently evidence the child's voice on the child's case record to ensure that their wishes and feelings about life at home are clearly recorded and understood and that, when appropriate, advocacy is made available to ensure young people's views are heard.</b>	Sarah Harris	4.05	Utilise technology and improve recording of the Child's voice	Linked to actions under MOSAIC : 4.33 and 4.34	March 2018	Sarah Harris / Jo Davies	Children and young people are listened too, practice is focused on their needs, and advocates offered where needed. Service and practice development will be informed by the feedback from children & families about the effectiveness of help, care or support from the time it is first needed till it ends.	Investigating the use of iPads and 'apps' with teams
		4.06	Ensure the Child's voice is evident in plans	Promote training opportunities for staff to ensure the child's voice is clearly recorded	October 2017	Sarah Harris		Is being led by the Principal Practitioners, training has been delivered, additional training and tools are being designed for staff.  Piloting the use of a 'Direct Work Bag'  Investigating the use of smart apps for children to share their views.
	Jenny Bevan	4.07	Consult with Children in Care Council (CiCC) in regard to service developments.	Include CiCC in the review of why children come into care.	Complete	Marina Kitchen	C&YP are represented by a Child in Care Council or similar body, which is consulted regularly and consulted on how to improve the support they receive.	Complete
	Jenny Butlin-Moran / Kate Harker	4.08	Promote Advocacy where it is appropriate to do so	Revise procedures for referring advocacy. Review the way in which advocacy is promoted through the convening of Child Protection Plan conferences and Children Looked After reviews	October 2017	Jenny Butlin-Moran	Children and young people are listened too, practice is focused on their needs, and advocates offered where needed. C&YP will understand they have access to an advocate and an independent visitor.	The Advocacy contract is currently being re-tendered.  Managers are encouraged to ask social workers to promote advocacy  A new advocacy case note has been included in Mosaic.

**OOP Outcome : WCC makes the best use of available resources**

**Champion consistent and good quality practice**

Subject	Lead	No	Summary	Actions	Deadline	Responsible	What does Good Look like? (as detailed in the Ofsted Handbook where appropriate)	Progress to date (Sept 2017)
Practice Improvement	Sarah Harris	4.09	Ability to see key events in a case file	Linked to MOSAIC actions 4.35 and 4.36	First phase August 2017	Sarah Harris	Workers are able to access Mosiac with confidence and knowledge to find the information they need swiftly and easily.	In progress, documents from case first are being moved into ESCR and this is currently being piloting  To be rolled out Dec 2017
		4.10	Life Story Books	Ensure all Children Looked After (CLA) have completed Life Story books (ongoing work following Peer Review)	Ongoing		Social workers help children to understand their lives and their identities through life history work that is effective and provided when they need it. Therapeutic materials are made available to the child and their family when and wherever the child is placed	A new format for Life Story Books for a child in long term foster care has been designed  Mosaic Officers to include a question on case notes on the creation of a Life Story Books and date created
		4.11	Supervision records reflect progress of children's plans	Ensure all supervision includes reflection	Ongoing		Children and young people are listened to by social workers who know them well.	Recent Team manager workshops focused on to the use of different reflection styles.
		4.12	Neglect, including use of neglect tools	Implement and embed the Neglect Strategy	October 2017		Issues of neglect are progressed efficiently	Task and finish group set-up to investigate these tools and to make clear decisions on which to promote and use.
		4.13	Improve the timeliness of Initial Child Protection Conferences	To undertake a piece of work to understand the underlying reasons and identify resolutions	September 2017	Jenny Butlin-Moran	Child Protection Conferences are held in a timely manner to ensure the protection of the child.	The Independent Reviewing Officers Team are maintaining a log on issues relating to timeliness. Analysis to be reported to the Children and Families Senior Leadership Team.
		4.14	Improve the timeliness of the completion of Children Looked After Review minutes and the uploading onto MOSAIC	Linked to the Recruitment of additional Independent Reviewing Officers (action 2.3) and MOSAIC implementation (action 4.26, 4.27 and 4.28 )	December 2017		Complete Children Looked After Review minutes in a timely manner and uploading onto MOSAIC within an agreed appropriate timescale.	Linked to the recruitment of Independent Reviewing Officers
		4.15	Limited challenge and scrutiny from Independent Reviewing Officers of how children's plans are being progressed	Proactive monitoring of the progress of all children including those on long term and stable plans Linked to the Recruitment of additional Independent Reviewing Officers (action 2.3)	December 2017		Regular and effective monitoring and evaluation of multi-agency front-line practice to safeguard children. Effective contract monitoring arrangements by the local authority are in place to ensure that children receive services which meet their needs and such arrangements are reviewed regularly by the local authority to ensure they remain effective; proportionate scrutiny arrangements by the local authority are in place to ensure the role of the local authority as the corporate parent is effective	

**OOP Outcome : WCC makes the best use of available resources**

**Champion consistent and good quality practice**

Subject	Lead	No	Summary	Actions	Deadline	Responsible	What does Good Look like? (as detailed in the Ofsted Handbook where appropriate)	Progress to date (Sept 2017)
		4.16	Improve timeliness of Initial Health Assessments (IHA)	Ensure that forms are submitted in a timely manner to initiate the IHA process and work with Health Partners to ensure timely appointments (ongoing work following Peer Review)	Ongoing	Sarah Harris	Children and young people are in good health or are being helped to improve their health and their health needs are identified	Processes have been reviewed and streamlined.  Performance has recently decreased in the leaving care team, possibly due to the UASC.  A monthly report from Health, detailing which children have come into care and the dates they have received the paperwork is now being shared with teams, for them to review their own performance
		4.17	SMART Plans	Managers to attend Team Manager workshops : 26th June Saltisford 29th June in Wolston	Complete		Care plans comprehensively address the needs and experiences of children and young people.	Completed Will need to ensure plans have improved
		4.18	Caseloads	Ensure Social Care Team managers are not holding any cases. Linked to the Recruitment of Social Workers action 2.1	March 2018		All teams will be fully staffed with a mixture of experienced and newly qualified social workers and case loads will 15 on average. Caseloads of newly qualified or less experienced staff will reflect their level of development and experience	Linked to the recruitment of staff.
		4.19	Case File Audits	To review the way in which learning from case files audits can be disseminated down to teams to improve practice	October 2017	Jenny Butlin-Moran	Audits identify priorities to improve practice	

**OOP Outcome : WCC makes the best use of available resources**

**Champion consistent and good quality practice**

Subject	Lead	No	Summary	Actions	Deadline	Responsible	What does Good Look like? (as detailed in the Ofsted Handbook where appropriate)	Progress to date (Sept 2017)
Practice Improvement : Education	Steve Pendelton	4.20	Reduce fixed-term exclusions	Virtual School to review measures in place to reduce fixed term exclusions	October 2017	Steve Pendelton	The effectiveness of multi-agency support, to help looked after children achieve at school, including the quality and impact of personal education plans, and whether they are disproportionately excluded.	Fixed Term Exclusions are being reviewed, an Educational Psychologist has been appointed to work with the Virtual School to work with Schools to manage the behaviour of children.  Continue to assist schools to implement alternatives
		4.21	Quality of Personal Education Plans (PEPs) completed by colleges	Virtual school to engage with colleges to improve the quality of PEPs	October 2017	Steve Pendelton		The Virtual School is meeting with College Reps to resolve issues.  Electronic PEPs to be uploaded onto Electronic Social Care Records (ESCR)  Investigating single access log on for the Electronic PEPs system.
Practice Improvement : Adoption	Beate Wagner / Brenda Vincent	4.22	Carers abilities re placements through SGOs	To ensure SGO assessments are appropriately assured	In progress	Brenda Vincent	The local authority demonstrates a sense of urgency and care in all adoption work including the appropriate use of concurrent and parallel planning, the Adoption Register and Fostering for adoption, resulting in children being able to live at the earliest opportunity with an adoptive family who are able to meet their needs.	Permanency and adoption training to consider analysis on assessments scheduled for Oct 2017  Piloting joint initial viability assessments with the Kinship and Children's Team to start by October 2017 . A proforma of areas for discussion has been devised to ensure a comprehensive and consistent approach.
		4.23	<b>Ofsted Recommendation 12</b> <b>Ensure that regular meetings between the agency decision-maker (ADM) and the panel chair are embedded in practice to support accountability and discussions about the quality of the service.</b>	To arrange regular meetings between the ADM and Adoption Panel Chair	Completed	Beate Wagner		Complete
		4.24	Diversity of the Adoption Panel	Ensure the Adoption Panel includes members from more diverse backgrounds	February 2018	Brenda Vincent		To be reviewed as part of the Adoption Central England project that will be partially implemented from November 2017.

**OOP Outcome : WCC makes the best use of available resources**

**Champion consistent and good quality practice**

Subject	Lead	No	Summary	Actions	Deadline	Responsible	What does Good Look like? (as detailed in the Ofsted Handbook where appropriate)	Progress to date (Sept 2017)
		4.25	Training to be accessible and available to all C&F MOSAIC Champions	MOSAIC champions to be identified and trained.	Phase One Completed Refresher Training September 2017	Jo Davies / Imelda Cooke	Training plan that has equipped all champions to a confident and competent level to train their own teams.	Workshops targeted at Champions (sufficient for all) and all Service/Operations/Team managers have been delivered. Presentations have been provided to teams to support them in cascading relevant sections to their own teams. Champions have been identified including a finance specialist and a 'Super Champion' has been recruited to increase engagement. Additional refresher sessions are capturing Champions that did not attend the first tranche of embedding training. Champion Support meetings are planned routinely since May to December 2017 to continue upskilling of Champions / resolution of issues. Mosaic recording is also included in County Wide training on case recording consistency.
		4.26		MOSAIC champions to train their own teams to a confident level	October 2017	Jo Davies / Imelda Cooke		Refresher training will be completed in September and our Super Champion will support Champions moving forward to enable them to deliver this support to their own teams
		4.27	MOSAIC to be embedded as core case management tool in teams	Revise guidance and republish on the intranet	Completed	n/a	All C&F staff will be trained to be confident and competent level to train their own teams.	Guidance refreshed and updated: <a href="http://intranet.warwickshire.gov.uk/helpingyouwork/PGGP/Mosaic/Pages/Mosaichowtoguide.aspx">http://intranet.warwickshire.gov.uk/helpingyouwork/PGGP/Mosaic/Pages/Mosaichowtoguide.aspx</a>  Google analytics show that there have been more visits to the updated guidance than in the months before it was updated and broken into smaller sections that were searchable. Overall there have been 353 visits to the page since the new guidance went live in June.



**OOP Outcome : WCC makes the best use of available resources**

**Champion consistent and good quality practice**

Subject	Lead	No	Summary	Actions	Deadline	Responsible	What does Good Look like? (as detailed in the Ofsted Handbook where appropriate)	Progress to date (Sept 2017)	
<b>Ofsted recommendation 3:</b>  <b>Accelerate plans to fully integrate the electronic recording system so that accurate data can be produced and used effectively by all staff to measure and improve practice</b>	Marcus Herron (MH) / Calvin Smith (CS)	4.28		Existing workflows to be refined and distributed to staff who are assisted to understand them	October 2017	Jo Davies / Imelda Cooke		Workshop held to review original workflows and design agency commissioned to produce updated versions.  MASH/Emergency Duty Team /Children in Need/Child Protection /Looked After Children/Specialist processes completed, awaiting Adopted child/Fostering/Adoption  Draft versions to be consulted on with teams before finalised and published.	
		4.29		MOSAIC implementation is added as a regular item on the Children and Families Senior Leadership Meeting agenda	Completed	n/a		Complete	
		4.30			Communicate key MOSAIC implementation / development messages to staff.	Ongoing (reviewed at each MOSAIC SLT slot)	Chris J Williams		Routine newsletter published including updates of changes, some guidance and good news.
		4.31			Recruit appropriate workforce to deliver development changes	Ongoing (dependent of priorities 4.32)	Marcus Herron		Following successful recruitment of resource to progress developments, the impact of IR35 has meant we have lost 2 contract team members. This has reduced the development team to 1.5 Full Time Equivalent (fte), a reduced level of capacity.  A second round of interviews is taking place week commencing 28th August for two additional developers.
			Continue to embed and speed up development work						

**OOP Outcome : WCC makes the best use of available resources**

**Champion consistent and good quality practice**

Subject	Lead	No	Summary	Actions	Deadline	Responsible	What does Good Look like? (as detailed in the Ofsted Handbook where appropriate)	Progress to date (Sept 2017)
		4.32		Review the priorities in the MOSAIC Work Plan to ensure efficient implementation	March 2018	Calvin Smith / Jo Davies	Workers are able to access Mosaic with confidence and knowledge to find the information they need swiftly and easily.  Workers fully understand the importance of good recording in Mosaic and will utilise technology to record the child's voice and reflective practice to high standards. Child's Voice being a consistent throughout case files, ensuring wishes and feelings are heard and understood	Recently completed developments include Payment Cards, Kinship changes, testing of Children's functionality for Mosaic upgrade. Current focus is on Regional Adoption, Finance and the generic list (including some fostering and Adoption changes). Case Closure Changes are with Mosaic Board for agreement.  While Early Help have been deprioritised to accommodate ACE, many of the original minor ones were completed 7/9).
		4.33		Investigate and implement the use of accessible self-reporting within MOSAIC	TBC	TBC		
		4.34	Promote a culture and skill around accurate and timely recording	Workshops to be delivered to promote high standards of recording and ensure visibility of the Child's Voice	March 2018	Calvin Smith		Business Intelligence are producing a post ofsted action plan around recording and data collation, hopefully through mosaic, so this will result in some requests for change.
		4.35		Routine reporting on system usage, timeliness of recording and workflow activity	December 2017	Chris J Williams		Initial scoping is being progressed
		4.36	Historical Carefirst data to be accessible more easily	Review current historical Carefirst data solution and agree full requirements and plan for delivery	August 2017	Noel Phillips		A pilot is underway to assess the current development and a plan is in place to deliver a final product.
		4.37		Rollout agreed solution and support teams to use	TBC - pending above	Noel Phillips / Jo Davies		Pilot to be completed by the End of November with fixes and updates by December. Full rollout is on schedule for early January.
		4.38	Enable practitioners to make the best use of mobile technology to assist in case recording.	Review what is required to enable a mobile working culture to develop (Phone and iPad)	September 2017	Jo Davies / Lisa Maxwell / Emma Walker	Workers can record written and verbal updates remotely	Initial meeting held to look at options, 2 parts - developing "mosiac mobile" to complete checked out forms within teams. Expanding opportunities to use Mosaic out of office.
		4.39		Agree requirements and a plan to deliver mobile working solution	Depended upon above			
		4.40		Apply to the Capital Asset fund to gain the appropriate equipment to support mobile working	Depended upon above	Jo Davies		

OOP Outcome : WCC makes the best use of available resources								
Champion consistent and good quality practice								
Subject	Lead	No	Summary	Actions	Deadline	Responsible	What does Good Look like? (as detailed in the Ofsted Handbook where appropriate)	Progress to date (Sept 2017)
Promote a performance culture throughout the service	Marina Kitchen (MK)	4.41	Work with staff to understand performance management and develop data set from the bottom up	Engage with staff and managers to understand Performance Management Requirements and communicate roles and responsibilities	October 2017	Anita Lekhi / Jamie Wait	All managers are engaged with their teams data sets and use it to inform and support professional practice. In addition, Managers are keen to use data to inform how they manage workloads and staffing. The local authority through performance management and monitoring has an accurate and systematically updated understanding of its effectiveness. It demonstrates a track record of dealing rigorously and effectively with areas for development. Leaders including elected members and managers have a comprehensive and current knowledge of what is happening at the front line and a track record of responding appropriately and quickly to service deficiencies for new demands. The local authority knows itself well, is a learning organisation and can demonstrate, evidence of practice that is informed, modified and sustainably improved by feedback and intelligence.	Performance Board established.  Draft Performance Culture Strategy completed to be approved at the next Performance Board.
		4.42	Review data set to ensure it meets staff and managers' needs and captures all national performance indicators, including care leavers, adoption (disabled children)	Review data set with all stakeholders	October 2017	Jamie Wait / Julie Robbottom		Meeting organised to discuss Social Care and Early Help data sets.
		4.43	Develop team data sets	Engage with Operational and Team managers to develop understanding of what a helpful team data set would look like	October 2017	Anita Lekhi / Jamie Wait		A survey to be compiled to gather requirements and views.
		4.44	Performance management as a key agenda item for team managers training	Discuss at Team Manager training day	October 2017	Sarah Harris		Added to the agenda for future workshops.
		4.45	Ensure staff can use Mosaic functionality to gain easy access to performance information	Review existing self service offer and identify opportunities for new self service reports	November 2017	Jo Davies / Jamie Wait		
		4.46	Consider performance management at staff inductions	Review induction package to consider the inclusion of Performance Management	October 2017	Sarah Harris		New induction process completed, Sarah Harris to check if Performance Management has been included.
<b>Ofsted recommendation 5:</b>  Ensure that appropriate work is undertaken with the police and Warwickshire Youth justice service to reduce the incidence of overnight stays in police custody for young people.	Lesley Tregar / John Coleman	4.47	Reduce the incidences of overnight stays in police custody for young people.	To work with the Police to review the arrangements of overnight stays in police custody of young people	September 2017	Lesley Tregar / John Coleman	Young people are not kept overnight in police custody where possible.	Plans are in place to review how data is recorded and reviewed, training to be organised for Officers within Emergency Duty Team and Police, delivered by the Warwickshire Youth Justice Service (WYJS). Asylum Seekers Team to be invited to the WYJS Safeguarding in Custody meeting.

## Cabinet

10 October 2017

### Approval of Changes to the Charging Policy for Adult Social Care

#### Recommendations

That Cabinet

- 1) Approves the change to charging for residential respite under the community services charging rules.
- 2) Agrees the updated Charging Policy attached to the published report.

#### 1.0 Background

- 1.1 Warwickshire County Council's last major review of the Charging Policy for Adult Social Care was for the implementation of the Care Act in April 2015.
- 1.2 In April 2015 the Cabinet decided to maintain its existing charging policy based on the following principles:
  - To charge for residential care based on the full cost
  - To charge for non-residential services based on the full cost, retaining the 'Minimum Income Guarantee' (whereby people retain Income Support plus 25%)
- 1.3 There is a specific policy document on Charging for Community Care Services (non-residential services) because the Council needs to show how it will deal with discretionary matters. This also includes a waiver policy which sets out how people may apply to have charges for non-residential care waived and the controls and authorisations for this.
- 1.4 The residential care charging policy simply adopts the framework set out in the Care and Support statutory guidance and the Care and Support (Charging and Assessment of Resources) Regulations 2014 ('the Regulations'). There is no separate policy document because there are no discretionary powers for the Council to exercise (apart from the decision to charge itself).

- 1.5 As a result of reviewing the information we provide to customers and reviewing the types of complaints and queries we receive relating to charging, it is suggested that we need a single, consolidated charging policy document, so that customers can easily understand the Council's policy across all types of care.
- 1.6 A particular issue has arisen relating to the calculation of charges for residential respite care. This is currently calculated using the residential care rules in the Care and Support Statutory Guidance, rather than as part of the Community Charging policy. This has been subject to a number of representations against policy.

## **2.0 Charging for Residential Respite Care**

- 2.1 Residential respite care is a short break in a residential care setting for a person who normally lives in their own home. It provides care to the individual whilst their primary carer has a break from their caring responsibilities.
- 2.2 It is recognised that individuals who receive respite care often live in the family home and their personal finances are often closely related to those of the rest of the household.
- 2.3 The current policy of charging for residential respite in line with all residential charging means that in practice the individual's income for all aspects of living are taken into account for the financial assessment, including those aspects of income that would cover costs for housing and food. This is because their accommodation and food needs are met by the care provider whilst they are in residential accommodation.
- 2.4 However, if the household overall pools the costs of housing, bills and food, the absence of one member of that household for a period of respite (usually less than a week for a single instance), does not materially change the costs to the household. Therefore there is potential for the charging for care to the individual receiving respite to cause strain on the overall household's ability to meet its bills.
- 2.5 The consequences of this could be a reduced use of residential respite care, which can place additional strain on the caring relationship, and can also mean the accumulation of debt which may be difficult for the Council to recover.
- 2.6 In considering how best to support carers and maintain caring relationships, amending the charging policy to reduce the strain on family units has been identified as an area that should be addressed.
- 2.7 Amending the charging policy to use the community based charging policy for residential respite would have the following impacts:

- The income required to meet normal household costs – e.g. rent, bills, and standard living costs (e.g. food) – would be disregarded, reducing the liability for care costs for the majority of individuals receiving respite
- It will affect the ability to treat some income as shared (this will primarily impact those with a living spouse and an occupational pension)

2.8 Work has been done to assess the impact on the current customer group. Looking at the usage of respite over the last 12 months, the impact of the changes has been modelled. As not all individuals receive community care, as well as respite, we have not got impact data for all customers. For the 382 people who received a total of 9492 days of residential respite care during the year 01 June 2016 to 31 May 2017:

- The impact is known for 59% of customers (225 people)
- Of those where the impact is known 196 would see a decrease in their charges, 5 indicate higher but this is likely timing issues between assessments and 24 would see no change.
- There is nothing to suggest that the impact on those not known would be different from the impact levels that could be assessed.

2.9 Appendix 1 sets out the distribution of impact on customers by age group, gender and customer group, and Appendix 2 sets out the annual financial impact based on the usage in that year.

2.10 On this basis the known loss of income as a result of this policy would have been £68k. If this extended to cover the 43% of customers for which the impact is unknown, if they were all assumed to see a decrease in their charges, of the average size, the impact would be another £51k, bringing the total loss of income to £119k per annum. This would increase if the usage of residential respite increased as a result of the policy change.

2.11 We have consulted customers and carers about this proposed change through direct mail-outs to customers who have used respite in the last year, meeting with Learning Disability Partnership Board, making the consultation available on Ask Warwickshire. The consultation was available from period from 9<sup>th</sup> August to 8<sup>th</sup> September 2017 and the responses were:

Question	Yes	No	Unsure
1. Do you agree with the proposal to charge for residential respite under the community charging rules rather than the current residential ones?	60	8	8
2. Do you think that this change will support families to use respite services?	57	10	9

2.12 The responses received suggest clear support for the proposals, with 79% of respondents answering yes to question 1, and 75% answering yes to question 2.

2.13 In the comments raised by respondents raised included:

- A good idea if it benefits people to pay out less we found the service very good earlier on in the year
- Anything which helps people get respite can only be a good thing
- If I don't have to pay more I am in favour
- More people would probably go into respite if they didn't have to pay
- The system seems to be fairer. It will help more families financially
- Unfair to charge for short term respite care if it is needed
- I think that there should be an allowance for pensioners with low income and think the community charges are fairer although I don't agree with the "Value of your home" taken into effect. After all some people have worked hard all their lives to buy their home and want to leave it to their children but if they have to go into a care home to live permanently then their house has to be sold to pay the cost. I totally disagree with this we are supposed to be a caring country, where is the care in that act.
- Charging policy is discriminating on age and is not fair or equitable for different aged adult users. Is everyone going to be reassessed under the new scheme otherwise another discrimination

2.14 In response to the negative points raised above – that it is unfair to charge for respite care, that home values should not be taken into account, and that charging policies are age discriminatory:

- Warwickshire's policy is to charge for all care which is has the power to charge for under the Care Act 2014 and to exempt residential respite charging from that would not be equitable to customers who receive other types of support.
- Home values will no longer be taken into account for residential respite, where that home is the main residence of the recipient of that care. Warwickshire follows the statutory regulations and guidance for financial assessments for long stay residential care, which includes taking the value of homes into account where appropriate to do so.
- All adult users of care services, regardless of age, are subject to the same assessment and charging policies to determine the amount they contribute towards the cost of care. Those who have needed care later in life may have had the opportunity to accumulate more personal wealth and assets, and therefore may face higher charges as a result of their higher ability to pay. Warwickshire's policy is fully compliant with the powers under the Care Act, and charges are made on ability to pay rather than age.

2.15 A full list of the responses (excluding those which included personal information about their specific charges) has been included as Appendix 3.

2.16 Some respondents found the issues complex and struggled to understand the consultation and what the impact of it would be for them. Any respondent who

called and asked for a specific impact was given it where possible (impact is dependent on future usage so it is not possible to be absolute about this).

2.17 The responses included some wider feedback about the charging policy, which were outside of the issue being consulted on. These were:

- Representations against charging for respite at all. There were 5 responses which stated that Warwickshire should not charge those accessing respite care. This has been raised in previous charging consultations, however as all charges are means tested Warwickshire has decided that it is fair that all customers are charged for the care that they receive based on the means test, and that it would be unfair not to charge those who had support from their families as well as paid support, whilst charging those who only had access to paid support.
- 1 person expressed concerns about the quality of respite care services. These concerns will be addressed through Warwickshire's contractual relationships with providers
- 3 people expressed general concerns about the future and the impact of charging on their savings – e.g. those that they intended for their funeral costs. The means test ensures that people retain a set level of savings.

### **3.0 Clarifying the Charging Policy**

3.1 If we change to how residential respite charges are calculated, the Charging Policy needs to be updated to reflect this. This presents the opportunity to address areas where there is insufficient clarity for customers and carers.

3.2 Customers and carers have raised queries and questions about the Charging Policy in the following areas:

- What is Warwickshire's residential care charging policy? Customers do not find the statutory guidance and regulations concise and accessible enough, and they do not set out exactly what Warwickshire does, only what we must do if we have decided to charge.
- What is considered as Disability Related Expenditure and how is it treated in the financial assessment? The guidance on this is old, and needs to reflect current practice.
- Can a waiver be applied where someone is experiencing financial hardship and is unable to meet their residential care charges?

3.3 To this end, a new Policy on Charging for Care Services has been produced. This:

- Covers both residential and non-residential care services – setting out the key provisions of the Care and Support Statutory Guidance in the Warwickshire context for residential care, as well as setting that out the policy for community care
- Includes the change to respite charging discussed in section 2



- Updates the Disability Related Expenditure guidance in the policy to best reflect practice and improve clarity
  - Incorporates a waiver policy which applies across all care types
- 3.4 This revised policy will enable customers to understand from a single document how Warwickshire charges for care, which should reduce complaints and make it easier for customers to navigate the system.
- 3.5 With the exception of the changes to respite, there is no change to charging policy or practice for financial assessments.
- 3.6 The revised Charging Policy is attached as Appendix 5.

#### 4.0 Impact of Changes

- 4.1 As a result of the changes to respite care, there will be a cost pressure of approximately £119k to social care (assuming a consistent level of respite usage). This will be met through the additional funding that Central Government announced in March 2017 to support social care, which was approved by Cabinet in July 2017. The current national Spending Review does not go beyond 2020, but the expectation is that additional funding to support social care will continue beyond then. If not, then ongoing funding would need to be addressed as part of the budget refresh of the service.
- 4.2 An Equality Impact Analysis for the changes has been completed and is attached as Appendix 4.

#### 5.0 Timescales and next steps

- 5.2 Implementation of the changes to respite charges will be from 1<sup>st</sup> November 2017.
- 5.3 The new policy will come into effect from 1<sup>st</sup> November 2017.

#### Background papers

1. None

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The report was circulated to the following members prior to publication:

Local Member(s): N/A

Other members: Councillors Parsons, Golby, Redford, Rolfe and Caborn

## Appendix 1

### Analysis of Impact of Respite Charging Changes - Number of Customers Impacted

Decrease	LD		MH		OP		PD		Total		Grand	
	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female		Total
Age Band												
18-25	8	9	0	0	0	0	0	0	1	8	10	18
26-35	21	16	0	0	0	0	0	2	21	18	39	
36-45	7	17	0	0	0	0	0	2	7	19	26	
46-55	5	8	0	0	0	0	1	1	6	9	15	
56-65	3	1	0	0	0	0	0	0	3	1	4	
66-75	0	1	0	0	12	7	1	0	13	8	21	
76-85	0	0	0	0	20	15	0	0	20	15	35	
86-95	0	0	0	0	10	25	0	0	10	25	35	
96+	0	0	0	0	1	2	0	0	1	2	3	
Unknown	0	0	0	0	0	0	0	0	0	0	0	
<b>Total</b>	<b>44</b>	<b>52</b>	<b>0</b>	<b>0</b>	<b>43</b>	<b>49</b>	<b>2</b>	<b>6</b>	<b>89</b>	<b>107</b>	<b>196</b>	

Increase	LD		MH		OP		PD		Total		Grand	
	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female		Total
Age Band												
18-25	0	1	0	0	0	0	0	0	0	1	0	1
26-35	0	0	0	0	0	0	0	0	0	0	0	0
36-45	0	0	0	0	0	0	0	0	0	0	0	0
46-55	1	0	0	0	0	0	0	0	1	0	1	
56-65	0	0	0	0	0	0	1	0	1	0	1	
66-75	0	0	0	0	1	0	0	0	1	0	1	
76-85	0	0	0	0	1	0	0	0	1	0	1	
86-95	0	0	0	0	0	0	0	0	0	0	0	
96+	0	0	0	0	0	0	0	0	0	0	0	
Unknown	0	0	0	0	0	0	0	0	0	0	0	
<b>Total</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>4</b>	<b>1</b>	<b>5</b>	

No Change	LD		MH		OP		PD		Total		Grand	
	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female		Total
Age Band												
18-25	2	2	0	0	0	0	1	0	3	2	5	
26-35	1	0	0	0	0	0	0	0	1	0	1	
36-45	0	0	0	0	0	0	0	0	0	0	0	
46-55	0	0	0	0	0	0	1	1	1	1	2	
56-65	0	0	0	1	0	0	1	0	1	1	2	
66-75	0	0	0	0	2	4	0	0	2	4	6	
76-85	0	0	0	0	1	1	0	0	1	1	2	
86-95	0	0	0	0	1	4	0	0	1	4	5	
96+	0	0	0	0	0	1	0	0	0	1	1	
Unknown	0	0	0	0	0	0	0	0	0	0	0	
<b>Total</b>	<b>3</b>	<b>2</b>	<b>0</b>	<b>1</b>	<b>4</b>	<b>10</b>	<b>3</b>	<b>1</b>	<b>10</b>	<b>14</b>	<b>24</b>	

Unknown	LD		MH		OP		PD		Total		Grand	
	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female		Total
Age Band												
18-25	2	1	0	0	0	0	0	0	2	1	3	
26-35	0	1	0	0	0	0	1	0	1	1	2	
36-45	2	2	0	0	1	0	0	0	3	2	5	
46-55	3	1	0	0	0	0	0	0	3	1	4	
56-65	1	0	0	0	2	1	1	0	4	1	5	
66-75	1	2	0	0	13	4	0	0	14	6	20	
76-85	0	0	0	0	26	24	0	0	26	24	50	
86-95	0	0	0	0	24	36	0	0	24	36	60	
96+	0	0	0	0	2	5	0	0	2	5	7	
Unknown	0	0	0	0	0	1	0	0	0	1	1	
<b>Total</b>	<b>9</b>	<b>7</b>	<b>0</b>	<b>0</b>	<b>68</b>	<b>71</b>	<b>2</b>	<b>0</b>	<b>79</b>	<b>78</b>	<b>157</b>	

Key:

LD = Learning Disabilities

MH = Mental Health

OP = Older People

PD = Physical Disabilities

## Appendix 2

### Analysis of Impact of Respite Charging Changes - Average Change in Total Charges for the Year

Decrease	LD		MH		OP		PD		All		All
Age Band	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Average
18-25	-£ 151	-£ 298	£ -	£ -	£ -	£ -	£ -	-£ 228	-£ 151	-£ 291	-£ 229
26-35	-£ 240	-£ 206	£ -	£ -	£ -	£ -	£ -	-£ 49	-£ 240	-£ 189	-£ 216
36-45	-£ 206	-£ 340	£ -	£ -	£ -	£ -	£ -	-£ 454	-£ 206	-£ 352	-£ 313
46-55	-£ 178	-£ 383	£ -	£ -	£ -	£ -	-£ 98	-£ 21	-£ 165	-£ 343	-£ 272
56-65	-£ 590	-£ 709	£ -	£ -	£ -	£ -	£ -	£ -	-£ 590	-£ 709	-£ 620
66-75	£ -	-£ 483	£ -	£ -	-£ 203	-£ 963	-£ 13	£ -	-£ 188	-£ 903	-£ 461
76-85	£ -	£ -	£ -	£ -	-£ 320	-£ 532	£ -	£ -	-£ 320	-£ 532	-£ 410
86-95	£ -	£ -	£ -	£ -	-£ 816	-£ 344	£ -	£ -	-£ 816	-£ 344	-£ 479
96+	£ -	£ -	£ -	£ -	-£ 110	-£ 375	£ -	£ -	-£ 110	-£ 375	-£ 287
Unknown	£ -	£ -	£ -	£ -	£ -	£ -	£ -	£ -	£ -	£ -	£ -
<b>Total</b>	<b>-£ 235</b>	<b>-£ 308</b>	<b>£ -</b>	<b>£ -</b>	<b>-£ 398</b>	<b>-£ 491</b>	<b>-£ 56</b>	<b>-£ 209</b>	<b>-£ 310</b>	<b>-£ 386</b>	<b>-£ 352</b>

Increase	LD		MH		OP		PD		All		All
Age Band	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Average
18-25	£ -	£ 137	£ -	£ -	£ -	£ -	£ -	£ -	£ -	£ 137	£ 137
26-35	£ -	£ -	£ -	£ -	£ -	£ -	£ -	£ -	£ -	£ -	£ -
36-45	£ -	£ -	£ -	£ -	£ -	£ -	£ -	£ -	£ -	£ -	£ -
46-55	£ 102	£ -	£ -	£ -	£ -	£ -	£ -	£ -	£ 102	£ -	£ 102
56-65	£ -	£ -	£ -	£ -	£ -	£ -	£ 1	£ -	£ 1	£ -	£ 1
66-75	£ -	£ -	£ -	£ -	£ 488	£ -	£ -	£ -	£ 488	£ -	£ 488
76-85	£ -	£ -	£ -	£ -	£ 557	£ -	£ -	£ -	£ 557	£ -	£ 557
86-95	£ -	£ -	£ -	£ -	£ -	£ -	£ -	£ -	£ -	£ -	£ -
96+	£ -	£ -	£ -	£ -	£ -	£ -	£ -	£ -	£ -	£ -	£ -
Unknown	£ -	£ -	£ -	£ -	£ -	£ -	£ -	£ -	£ -	£ -	£ -
<b>Total</b>	<b>£ 102</b>	<b>£ 137</b>	<b>£ -</b>	<b>£ -</b>	<b>£ 522</b>	<b>£ -</b>	<b>£ 1</b>	<b>£ -</b>	<b>£ 287</b>	<b>£ 137</b>	<b>£ 257</b>

Key:

LD = Learning Disabilities

MH = Mental Health

OP = Older People

PD = Physical Disabilities

## Appendix 3

### Full Survey Narrative Responses (excluding those which contained personal data)

<p><b>3. Do you have any comments on this proposal?</b></p> <p>Community Charging Rules will help those on a lower form of income to avail themselves to the Respite system</p> <p>1. It would help + 2. Making it more affordable</p> <p>A good idea if it benefits people to pay out less we found the service very good earlier on in the year</p> <p>This system seems to be fairer. It will help more families financially.</p> <p>Sorry do not understand what this is about</p> <p>Not Sure</p> <p>Royston charge for respite we found very costly</p> <p>Anything which helps people to get respite can only be a good thing</p> <p>2. Don't know how the change affects individual families with completely different family finances. 3. But it appears that the change is a better method. Really don't know how the change would affect my daughter</p> <p>it should increase the number of people using respite services but are there enough respite places to accommodate this?</p> <p>As her needs are getting greater and her parents are getting older, the respite is becoming essential for them to be able to continue caring for her</p> <p>Unable to assess from this information whether there is any advantage or disadvantage to families. It seems unfair that 'Sue' has to pay because she has been frugal &amp; saved during her life, whereas 'Bob' who may have spent his money &amp; not saved, does not have to pay! Finally we have not used the respite as stated in your letter.</p> <p>I think it is a good idea, so you know everybody is paying what they should</p> <p>We do not use the respite facilities on a regular basis, but it is nice to know it is available should we need it. I am quite happy at the moment to care for my wife at home. We do not think 4 weeks is adequate. Looking after my father-in-law is a 24/7 job, he often gets us up 4/5 times a night for nothing. Sometimes within 10 minutes. This is extremely stressful for us</p> <p>Not at the moment, thank you.</p> <p>I do not understand how this would affect myself as I am on DLA &amp; ESA and both examples are of pension credit. Please enclose more information for disabled young adults who use respite.</p> <p>Nothing to add</p> <p>If don't have to pay more, then in favour. Having said that grateful for service as I get older, and I find it more difficult to care.</p> <p>We are all struggling and I understand there is not enough resources to go around so costings are a must. But lack of resources and costs do affect how much longer we can care for family.</p> <p>I would like to have seen example of the customers who would have to pay the higher charges, in order to understand the proposal more clearly</p> <p>More people would probably go into respite if they didn't have to pay</p> <p>We agree that the increase costs of Respite Care and Day Services are becoming so expensive that it is becoming a concern and likely to discourage us as carers to use the services. This then puts additional pressure and anxiety on our health and defeats the purpose of allowing our son to continue in our house. it is also giving him much needed training to be away from us and the homes he loves. His only income is the benefits that he receives and with all the increased costs now being put on him this is just not enough to cover the charges being made.</p> <p>Last year we used respite services on a number of occasions for breaks and in order to attend functions (wedding and other such celebrations). We had no support from W.C.C. and as a result the cost to both myself and my mother was extremely high. My mother had to use money that she had put aside for her funeral and this has now depleted and we are struggling to make it up again. Therefore we think that the correct method of assessment is essential so other families do not experience the financial difficulties we have.</p> <p>No</p> <p>The wording of this letter is ridiculously ambiguous. I read and re-read this letter to my father and neither of us understand what it is saying. Warwickshire care homes are expensive and the received care bears no resemblance to this cost. I am not sure how you think older people are going to understand this letter and I think there are far larger issues about access to respite care to be dealt with. If provision is out of the price range of older people, if price doesn't reflect care and travelling further to access respite isn't an option, what choice do people have?</p> <p>This would be a very welcome change, as current charging leaves Dominic with very little DLA for anything else.</p> <p>No Change. None. You will still go ahead with it anyway.</p> <p>I think that there should be an allowance for pensioners with low income and think the community charges are fairer although I don't agree with the "Value of your home" taken into effect. After all some people have worked hard all their lives to buy their home and want to leave it to their children but if they have to go into a care home to live permanently then their house has to be sold to pay the cost. I totally disagree with this we are supposed to be a caring country, where is the care in that act.</p> <p>I personally have found day care respite and residential respite has made a great difference to my life. Previously I had felt totally unable to cope, now things are more bearable.</p> <p>Will there be sufficient respite places if there is an increase in uptake. Will this effect the amount of nights allocated to families.</p> <p>unfair to charge for short term respite care if it is needed</p> <p>while it certainly seems fairer for the currently least well-off, the policy still appears to 'penalise' people who have (perhaps?) made more effort towards savings during earlier stages of their life. From the brief presentation, it would seem reasonable to suppose that 'Sue' has also already contributed rather more in rates, tax &amp; NI, so should not be required to use her savings in this way as well. It is a disincentive to saving.</p> <p>Why should a person who has saved all their lives pay more than some lazy bugger who has been feckless?</p> <p>Charging policy is discriminating on age and is not fair or equitable for different aged adult users. Is everyone going to be reassessed under the new scheme other wise another discrimination</p> <p>I have answered yes for people in the Bob example, as this change will not carry a financial burden, but in Sues case, it is not so fair. You are working on the assumption that someone with an occupational pension has the ability to pay (or is it because she has savings)- the example is not clear.</p> <p>Respite is an extremely important service for carers and any change which is likely to improve access to day care or short term respite care is to be welcomed.</p> <p>i feel its an insult to life long sick and disabled and learning difficulties especially on benefits - ( and there family carers ) to have to pay a contribution towards respite</p> <p>when without us carers the whole system would be in absolute meltdown - we save the county and the tax payer</p> <p>they should be giving us a break and not penalising us</p>
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# Policy on Charging for Adult Social Care Services

Warwickshire County Council  
People Group

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# 1. Overview of charging in Warwickshire

## 1.1. Introduction

This policy outlines our aims and principles for a fair approach to contributions made by a person to their social care services. It covers:

- background to charging
- regulations and guidance used
- aims and principles
- who is charged
- the services charged for
- how charges are calculated
- what to do if a person's circumstances change
- obtaining advice
- what happens if a person fails to pay charges; and
- what if a person has a dispute and would like to make a complaint.

The policy is split into 4 sections for ease of use:

1. Overview of charging in Warwickshire
2. Financial assessments for residential based services
3. Financial assessments for community services
4. Further Information

## 1.2. Background to charging

Warwickshire County Council is able to charge a contribution for care services provided to adults under Sections 14 and 18 of the Care Act 2014. The Act is supported by the Care and Support (Charging and Assessment of Resources) Regulations 2014 and the Care and Support Statutory Guidance that the Council adheres to.

Any costs covered by the NHS (either under Continuing Health Care or Funded Nursing Care) are not subject to this policy.

## 1.3. Legislation, regulations and guidance used

The legislation, regulations and guidance that apply within this policy are;

- Care Act 2014
- The Care and Support (Charging and Assessment of Resources) Regulations 2014.
- Care and Support Statutory Guidance chapter 8 and Annex A-E
- Warwickshire County Council Direct Payments guidance.

## 1.4. Aims and principles

A key principle applied in this policy is that charges will be based on the full cost of the services being received and a person will pay 100% of this charge where they

have been assessed as being able to do so.

The following aims and principles are adopted to ensure a person pays the correct charges:

- Individual financial assessments will ensure that a person contributes in line with their ability to pay. This will be calculated using national guidelines and this policy.
- The full financial assessment will ensure that a person will retain some income. This level is set by the Department of Health and is known as the Personal Expense Allowance (PEA) when in residential care and the Minimum Income Guarantee (MIG) when receiving non-residential care.
- A person can receive a benefits check as part of their financial assessment to check they are receiving what they are entitled to.
- A person has the right to decline a full financial assessment. If they do they will be required to pay the full cost of their care.
- Where a person does not provide the Council with sufficient information to determine how much they can pay towards their care, they will be required to pay the full cost of their care.
- Where a person fails to pay the charges incurred by the Council for their care, debt recovery processes will be followed to obtain payment from the person, after consideration and the offer of a deferred payment agreement in appropriate circumstances (residential and nursing care only).
- A waiver process is in place for charges in exceptional cases as defined by the waiver policy.

### **1.5. Who is charged**

This policy applies to adults provided with care services where Warwickshire County Council is entitled to charge a contribution under the Care Act 2014 with the following exceptions:

- Individuals with Creutzfeldt Jacob Disease (CJD) in accordance with the Care Act 2014
- Individuals with services provided under section 117 of the Mental Health Act (1983).
- Any services funded by the NHS for example Funded Nursing Care

## **1.6. Financial assessments**

A person is liable to pay the full cost of their care service unless it is demonstrated through a financial assessment that they are unable to contribute the full amount. The financial assessment will follow the requirements of the Care and Support (Charging and Assessment of Resources) Regulations 2014 and Care and Support Statutory Guidance and requires a person to supply appropriate information. This information is used to calculate what, if anything a person may have to pay towards a service.

## **1.7. Providing information to the Council**

The collection of information for the financial assessment may be undertaken in different ways including:

- On-line a person may be sent a link to an on-line form to give information
- Post a person may be sent a form to give information and return by post
- Telephone a person may be given an appointment and information is given over the telephone
- Face to face a person may be given an appointment and an officer will visit to collect information where there are complex circumstances or customers would have substantial difficulty in using other forms of assessment

A person has the right not to provide details about their financial circumstances, in such cases a person will be deemed as able to pay for their care costs in full as it is for the person to satisfy the Council that their means are insufficient to be able to pay the full cost.

## **1.8. Failure to provide information**

The onus is on the person or their representative to provide all information required for a financial assessment.

A person or representative responsible for their finances is considered to have refused to co-operate with a financial assessment if he or she without good cause, fail to participate in the assessment process within a stated time scale. This includes where a person;

- Does not agree an appointment to allow the Council to obtain necessary information for an assessment or review despite there being two requests to do so.
- Fails to keep a pre-arranged appointment for the purpose of obtaining information for an assessment or review.
- Fails to provide satisfactory proof of income, capital, expenditure or other information following a written request from the Council.

- Fails to complete and return a financial form either by post or on-line where requested to obtain necessary information for an assessment or review.

### **1.9. Light touch financial assessments**

In some cases a person may not need a full financial assessment and so may not have to provide full details about their financial circumstances. We will apply a light touch financial assessment in the following circumstances:

- Where a person owns capital that is included as an asset for financial assessment purposes and this is clearly worth more than the upper capital limit.
- Where a person confirms that they do not wish to undergo a full financial assessment.
- Where an individual is in receipt of certain benefits and they clearly demonstrate that they would not be able to contribute towards their care and support costs.

If a person does not agree the charges that they have been assessed as being able to afford to pay under this route, they will be required to provide full details to enable a full financial assessment to be completed.

### **1.10. Financial representatives and mental capacity**

A person can request that we liaise with another person who will act as their financial representative for the financial assessment and charging process.

While a request to liaise with a representative can be accepted, the legal responsibility for the financial assessment and any charge remain with the person having a service.

At the time of the assessment of care and support needs, the Council will establish whether a person has the capacity to take part in the assessment, including a financial assessment.

Where a person lacks capacity the same financial tests and charges will apply for care services.

## 2. Financial assessments for residential based services

### 2.1. Calculating charges

The financial assessment considers a person's income, capital and in some cases appropriate expenses.

Where capital included is above the upper limit the person will pay the full cost of the care.

Where capital is below the upper capital limit the basic principles of the financial assessment calculation are:

Income LESS Personal Expense Allowance = **Charge**

The full financial assessment will ensure that individuals retain a basic level of income after charges have been deducted, known as the Personal Expenditure Allowance.

A person will be expected to pay the full cost of the care if:

- They are assessed to be able to afford to pay the full cost through their financial assessment.
- They choose not to disclose their financial details.
- They refuse to co-operate with a financial assessment.

### 2.2. Capital

The value and treatment of capital and assets will be based on the definitions in the Care Act 2014, Care and Support Statutory Guidance Annex B. Some examples of capital included in the guidance are money held in a bank or building society, stocks and shares, bonds or land.

The value of a person's capital will be used to decide how much of it should be used to contribute towards the cost of their care. The value of a capital asset will be based on the market or surrender value of the capital asset, minus:

- 10% of the value, if there will be any actual expenses involved in selling the asset. Any expense must be connected with the actual sale and not simply the realisation of the asset. For example the costs to withdraw funds from a bank account are not expenses of sale, but legal fees to sell a property would be.
- any outstanding debts secured on the asset, for example by a legal charge such as a mortgage.

Where a person has joint beneficial ownership of capital (for example they have a joint savings account), the total value will be divided equally between the joint owners and the person will be treated as owning an equal share, except where there is evidence that the person owns an unequal share.

In some instances a person may need to apply for access to capital assets but has not yet done so. In such circumstances this capital may be treated as belonging to the person and so included as notional capital within the financial assessment from the date it could have reasonably been acquired.

Some capital resources are disregarded (not included) within the financial assessment, details of these are given in the Care Act, regulations and guidance.

The levels of capital considered with a financial assessment are:

- Capital **below £14,250** will be disregarded (not included) for financial assessment purposes.
- Capital **between £14,250 and £23,250** will be taken into account and a person will be required to pay £1 per week for every £250 of capital owned between £14,250 and £23,250.
- Capital **over £23,250** will be taken into account and a person will be required to pay the full cost of the care home.

### 2.3. Property

Property is a capital asset and may either be included or disregarded within a financial assessment in accordance with Annex B of the Care and Support Statutory Guidance.

If a person is in temporary or respite care the property they normally live in will be disregarded (not included as a capital asset) where they intend to return to it. However, where a person is in permanent care the property may be included in the financial assessment or it may be disregarded (not included) depending on circumstances. Some examples where a property may be disregarded include:

- Where the property has been continuously occupied by the person's partner, former partner or civil partner, except where they are estranged since before the person went into a care home.
- Where the property has been continuously occupied by relatives (defined in the guidance), aged 60 or over since before the person went into a care home.
- Where the property has been continuously occupied by relatives (defined in the guidance), who have been incapacitated since before the person went into a care home.

A person may request in writing that the Council use its discretion to apply a property disregard in circumstances that do not fall within the above definitions. The use of this discretion will be balanced with ensuring that a person's assets are not maintained at public expense. The Head of Social Care and Support or delegated person will consider requests to the Council based on the evidence supplied and circumstances of each case.

## 2.4. Deferred payments

Where a property is included within the assessment a person may be eligible for the Council's Deferred Payments Scheme. The Deferred Payments Scheme is to help those who have been assessed as having to pay the full cost of residential care but cannot pay the full amount because their capital is tied up in a property.

The Council may accept a property as security and the person pays a weekly contribution towards care based on their income and savings only. The part that the person cannot pay will be paid by the Council and a debt builds up called a deferred payment. This debt will then have to be paid at a later date. For many people this will be done by selling the property or payment may be made from other sources.

The Council has a separate policy for deferred payments that gives more information on eligibility and the scheme itself. This can be found at:

<http://www.warwickshire.gov.uk/deferredpaymentsscheme>

## 2.5. Income

The value and treatment of income will be based on the definitions in the Care Act 2014 Care and Support Statutory Guidance Annex C. Some examples of income included in the guidance are State Retirement Pension, Pension Credit and occupational pensions.

Income will always be taken into account unless it is disregarded under the regulations. Income that is disregarded will either be:

- partially disregarded
- fully disregarded

In some instances a person may need to apply for access to income, for example a means-tested benefit but has not yet done so. In such circumstances this income may be treated as belonging to the person and so included as notional income within the financial assessment from the date it could have reasonably been acquired.

Where deductions are taken from benefits or income, e.g. if deductions are made to repay debts or social fund payments, the financial assessment will be calculated on the gross amount the person would be entitled to not the actual amount received.

Where a person receives income as one of a couple, the starting point is that each has an equal share of the income unless it can be proved that the share is not equal.

## 2.6. Deprivation of income or assets

Deprivation is the attempt to avoid or reduce charges by removing income or capital assets from a person's ownership in order to avoid them being included in the financial assessment.

Questions of deprivation of capital or income will be considered in accordance with Annex E of the Care and Support Statutory Guidance. For example if:

- A person ceases to possess capital assets or income which would otherwise have been taken into account for the purpose of assessing charges for care;
- A person deprives themselves of capital assets or income which would otherwise have been available to them, i.e. ownership of a property other than their main residence is transferred to another person or the beneficiary of an insurance policy is changed so that the monies are not available to the person.

Where deprivation is established the person will be treated as still possessing the capital asset or income and this will be known as notional capital or notional income within the financial assessment. This means that the person will be assessed as if they still have the income or capital.

If the asset has been transferred to someone else, that person may become liable to pay the difference between what has to be paid and what the person can pay from their remaining income and capital.

## **2.7. Personal Expense Allowance**

The Personal Expense Allowance (PEA) included in the financial assessment is an amount a person may retain for personal expenditure. The amount is set by the Department of Health each year. However, the Council has the ability to vary the amount of Personal Expense Allowance in individual cases. Warwickshire will follow Annex C of the Care and Support Statutory Guidance when using this discretion.

For temporary residents an additional Personal Expense Allowance may in some circumstances be considered if the person is unable to meet a particular expense from their capital or income. Some examples that may be considered include:

- Rent (less Housing Benefit)
- Mortgage costs (less any benefits or assistance payments)
- Water rates and charges
- Council Tax (less Council Tax Support)
- Building insurance (not including contents insurance)

Where expenditure is joint expenditure then it will be divided equally between the liable individuals when considering any additional Personal Expense Allowance.

Permanent residents are not normally considered to have property related outgoings when living in the care home. However, it may be that a person still has outgoings e.g. while a property is for sale, subject to 12 week property disregard or during the notice period for a rented property. In these cases, an additional Personal Expense Allowance may be considered at the discretion of the Council if evidence of actual expenditure is supplied and where a person has no other means to meet the costs for example from their capital.

Where a person has a deferred payment agreement (DPA) a person may choose to



retain sufficient resources to maintain and insure the property up to a disposable income allowance and therefore increase the amount of debt they are deferring. The maximum disposable income allowance is set by the Department of Health.

## **2.8. Changes of circumstances**

A change of circumstances either by a change in type, cost of service or the financial circumstances of the person may result in a change to the financial assessment.

A person must notify the Council of a change to financial circumstances as these can affect a person's financial assessment.

If a person does not inform the Council of a change and, as a result of that change, the assessed charge would increase it will be backdated to the date the change took effect.

If a person informs the Council of a change within 1 month of it occurring and, as a result of that change, the assessed charge would decrease, this will be applied from the date the change took effect.

If a person informs the Council of a change that took place more than 1 month ago and, as a result of that change, the assessed charge would decrease, this will be applied from the date that notification was received by the Council.

A person will be notified of the date on which any change of circumstance affects their financial assessment. If a person does not notify the Council within the required time they may apply for an extension to the time limit if there are good reasons why that change was not reported on time. The maximum time the Council will consider backdating in these circumstances is 26 weeks from the date actual notification of the change was received in writing.

A person must request backdating and must explain the reasons why they were unable to notify the office within the time limit. The longer the delay, the more compelling the reasons must be. If the Council is satisfied that there are good reasons the notification may be treated as if it was received in time. Before backdating an advantageous change beyond the one month time limit, the Council must be satisfied

- a person has shown good cause for failing to notify earlier and
- that good cause existed continuously during the period for which backdating (if any) is allowed, up until the date the request for backdating was made.

To establish if a person has shown good cause for not notifying the Council earlier, the Council must be satisfied the reason for not claiming earlier is such that any reasonable person of that age, health and experience would probably not have notified the Council earlier in the same way as the person. The burden of proving good cause rests with the person and relevant facts in each case such as care needs, capacity, whether a representative should have notified the Council etc. will be considered.

The Council reserves the right to review a financial assessment at any point relating to current or historical services provided. This may require a person to provide new

or additional information and evidence where necessary.

Where a person fails to provide information following written requests, charges will be recalculated to the full cost from the date of the first written request. This may also be backdated to earlier dates dependent upon information available and the backdating policy.

A person may request a review of a financial assessment for example due to revised information or error at any time by notifying the Council and providing appropriate information.

Where appropriate, financial assessments may be revised automatically based on known changes due to changes in policy, regulations or information from the Department of Work and Pensions, for example due to an increase to benefit payments, State Retirement Pension increases or service cost increases.

Details of financial assessments will be sent in writing and it is the person's responsibility to check the information and report any details that are inaccurate or change.

### 3. Financial assessments for community services

#### 3.1. Calculating charges

The financial assessment considers a person's income, capital and appropriate expenses.

Where appropriate capital is above the upper limit the person will pay the full cost of the care.

Where capital is below the upper capital limit the basic principles of the financial assessment calculation are:

$$\text{Income LESS } \left[ \begin{array}{l} \text{Minimum Income Guarantee} \\ \text{Eligible Housing Costs \& Expenses} \\ \text{Disability Related Expenditure} \end{array} \right] = \text{Net Available Income for Charging}$$

The full financial assessment will ensure that individuals retain a basic level of income after charges have been deducted, known as the Minimum Income Guarantee and have income to meet basic housing costs and agreed disability related expenditure.

The net available income for charging will be the maximum level a person may be asked to contribute towards services.

The actual charge will be the lower of either the individual's available income or the full cost for the service.

The minimum weekly charge raised is £1.00 per week.

A person assessed with no available income for charging purposes will not have to contribute towards the service.

A person will be expected to pay the full cost of the care if:

- They are assessed to be able to afford to pay the full cost through their financial assessment.
- They choose not to disclose their financial details.
- They refuse to co-operate with a financial assessment.

#### 3.2. Capital

The value and treatment of capital and assets will be based on the definitions in the Care Act 2014, Care and Support Statutory Guidance Annex B. Some examples of capital included in the guidance are money held in a bank or building society, stocks and shares, bonds or land.

The value of a person's capital will be used to decide how much of it should be used to contribute towards the cost of their care. The value of a capital asset will be based on the market or surrender value of the capital asset, minus:

- 10% of the value, if there will be any actual expenses involved in selling the asset. Any expense must be connected with the actual sale and not simply the realisation of the asset. For example the costs to withdraw funds from a bank account are not expenses of sale, but legal fees to sell a property would be.
- any outstanding debts secured on the asset, for example by a legal charge such as a mortgage.

Where a person has joint beneficial ownership of capital (for example they have a joint savings account), the total value will be divided equally between the joint owners and the person will be treated as owning an equal share, except where there is evidence that the person owns an unequal share.

In some instances a person may need to apply for access to capital assets but has not yet done so. In such circumstances this capital may be treated as belonging to the person and so included as notional capital within the financial assessment from the date it could have reasonably been acquired.

Some capital resources are disregarded (not included) within the financial assessment, details of these are given in the Care Act, regulations and guidance.

The levels of capital considered with a financial assessment are:

- Capital **below £14,250** will be disregarded (not included) for financial assessment purposes.
- Capital **between £14,250 and £23,250** will be taken into account and a person will be required to pay £1 per week for every £250 of capital owned between £14,250 and £23,250.
- Capital **over £23,250** will be taken into account and a person will be required to pay the full cost of the care home.

### 3.3. Property

Property is a capital asset and may either be included or disregarded within a financial assessment in accordance with Annex B of the Care and Support Statutory Guidance.

The property a person lives in as their main or only home will be disregarded (not included as a capital asset).

However, a property that is not the main or only home that a person lives in, for example a second property will be included in the financial assessment.

### 3.4. Income

The value and treatment of income will be based on the definitions in the Care Act 2014 Care and Support Statutory Guidance Annex C. Some examples of income included in the guidance are State Retirement Pension, Pension Credit and occupational pensions.

Income will always be taken into account unless it is disregarded under the regulations. Income that is disregarded will either be:

- partially disregarded
- fully disregarded

In some instances a person may need to apply for access to income, for example a means-tested benefit but has not yet done so. In such circumstances this income may be treated as belonging to a person and so included as notional income within the financial assessment from the date it could have reasonably been acquired.

Where deductions are taken from benefits or income, e.g. if deductions are made to repay debts or social fund payments, the financial assessment will be calculated on the gross amount a person would be entitled to not the actual amount received.

Where a person receives income as one of a couple, the starting point is that each has an equal share of the income unless it can be proved that the share is not equal.

### 3.5. Deprivation of income or assets

Deprivation is the attempt to avoid or reduce charges by removing income or assets from a person's ownership in order to avoid them being included in the financial assessment.

Questions of deprivation of capital or income will be considered in accordance with Annex E of the Care and Support Statutory Guidance. For example if:

- A person ceases to possess capital assets or income which would otherwise have been taken into account for the purpose of assessing charges for care;
- A person deprives themselves of capital assets or income which would otherwise have been available to them, i.e. ownership of a property other than their main residence is transferred to another person or the beneficiary of an insurance policy is changed so that the monies are not available to the person.

Where deprivation is established the person will be treated as still possessing the capital asset or income and this will be known as notional capital or notional income within the financial assessment. This means that the person will be assessed as if they still have the income or capital.

If the asset has been transferred to someone else, that person may become liable to pay the difference between what has to be paid and what the person can pay from their remaining income and capital.

### **3.6. Minimum Income Guarantee (MIG)**

The Minimum Income Guarantee (MIG) is an amount within a financial assessment that a person will be left with before a charge may apply. This is to ensure a person has funds to meet basic needs such as purchasing food, utility costs or insurance.

The level of Minimum Income Guarantee varies depending on a person's circumstances and these amounts are determined within the Care and Support (Charging and Assessment of Resources) Regulations and published by the Department of Health.

### **3.7. Household costs/bills**

Some expenditure may be allowed based on a person's liability and circumstances to cover housing costs. These may also be determined through discussion with a person and include consideration of average levels for household types.

Evidence of expenditure may be requested to verify requests for example receipts, bank statements or invoices where involving exceptionally high values, unusual types of expense. Failure to supply evidence will result in those expenses being excluded from the calculations.

Allowances may be made depending on housing tenure and circumstances, including:

- Rent (less Housing Benefit). If a person is entitled to receive full Housing Benefit but has the benefit reduced by a 'non-dependent deduction', the financial assessment will not show an allowance for the non-dependent deduction amount.
- Essential service charges and ground rent (less Housing Benefit)
- Mortgage (less any benefits or assistance payments)
- Council Tax (net of Council Tax Support). If a person is entitled to receive full Council Tax Support but has the support reduced by a 'non-dependent deduction', the financial assessment will not show an allowance for the non-dependent deduction amount.
- Building insurance (including contents)

### **3.8. Joint/shared costs**

If more than one person lives in a person's home, costs may be shared between occupants when calculating the financial assessment. This will be determined by the decision maker within Warwickshire County Council. If allowed, costs will be attributed to all the adult occupants of the home unless it can be shown that the expense is only for a person's benefit.

If a person shares a household with other adults, and the additional disability-related expense item relates to a service that supports the household as a whole (for example, payments to a cleaner), the amount of the expense item that is allowed in the financial assessment will be on the basis that the costs are shared evenly by the number of adults in the household, unless there is evidence to show

that a different way of sharing costs should be considered.

### **3.9. Other allowable expense commitments**

An allowance for expense commitments may be made in the financial assessment, if a person incurs unavoidable payments under a court order e.g. child maintenance.

Any other expenses not considered housing or disability related expense would not be eligible within the financial assessment, unless agreed, at the discretion of the Head of Social Care and Support or delegated person.

### **3.10. Disability related expenditure**

Disability related expenditure is considered as a necessary additional expense to meet needs that are not being met by the Council that a person incurs due to a disability or condition.

Expenditure must be reasonable and verified for example with receipts. Where expenditure cannot be verified or where reasonable alternatives are available at a lower cost or for free, the expense may not be included or may be restricted to a lower cost determined by the Council.

A guide list of recognised disability related expenditure items (appendix a) based around the items listed within Statutory Guidance, with indications of reasonable costs is used to determine disability related expenditure allowances within an assessment, although this is not an exhaustive list.

If a person has disability related expenses shown within the disability related expenditure guide, the expense allowed in a financial assessment will usually be the actual amount spent up to the maximum amount indicated in the guide. However, discretion may be used to consider some requests where higher expenditure is incurred or where an item is not reflected within the guide. These decisions will usually consider a person's care plan to help identify necessary disability related expenditure.

### **3.11. Changes of circumstances**

A change of circumstances either by a change in type, cost of service or the financial circumstances of the person may result in a change to the financial assessment.

A person must notify the Council of a change to financial circumstances as these can affect a person's financial assessment.

If a person does not inform the Council of a change and, as a result of that change, the assessed charge would increase it will be backdated to the Monday after the date the change took effect.

If a person informs the Council of a change within 1 month of it occurring and, as a result of that change, the assessed charge would decrease, this will be applied from the Monday after the date the change took effect.

If a person informs the Council of a change that took place more than 1 month ago and, as a result of that change, the assessed charge would decrease, this will be applied from the Monday after the date that notification was received by the Council.

A person will be notified of the date on which any change of circumstance affects their financial assessment. If a person does not notify the Council within the required time they may apply for an extension to the time limit if there are good reasons why that change was not reported on time. The maximum time the Council will consider backdating in these circumstances is 26 weeks from the date actual notification of the change was received in writing.

A person must request backdating and must explain the reasons why they were unable to notify the office within the time limit. The longer the delay, the more compelling the reasons must be. If the Council is satisfied that there are good reasons the notification may be treated as if it was received in time. Before backdating an advantageous change beyond the one month time limit, the Council must be satisfied

- the individual has shown good cause for failing to notify earlier and
- that good cause existed continuously during the period for which backdating (if any) is allowed, up until the date the request for backdating was made.

To establish if a person has shown good cause for not notifying the Council earlier, the Council must be satisfied the reason for not claiming earlier is such that any reasonable person of that age, health and experience would probably not have notified us earlier in the same way as the individual. The burden of proving good cause rests with the person and relevant facts in each case such as care needs, capacity, whether a representative should have notified us etc. will be considered.

The Council reserves the right to review a financial assessment at any point relating to current or historical services provided. This may require a person to provide new or additional information and evidence where necessary.

Where a person fails to provide information following written requests, charges will be recalculated to the full cost from the date of the first written request. This may also be backdated to earlier dates dependent upon information available and the backdating policy.

A person may request a review of a financial assessment for example due to revised information or error at any time by notifying the Council and providing appropriate information.

Where appropriate, financial assessments may be revised automatically based on known changes due to changes in policy, regulations or information from the Department of Work and Pensions, for example due to an increase to benefit payments, State Retirement Pension increases or service cost increases.

Details of financial assessments will be sent in writing and it is the person's responsibility to check the information and report any details that are inaccurate or change.



## 4. Further Information

### 4.1. Policy

In this policy charges will be based on the full cost of the services being received and a person will pay 100% of this charge where they have been assessed as being able to do so. Further details regarding charges can be found on the Council's website at:

<http://www.warwickshire.gov.uk/abilitytopay>

### 4.2. Residential and residential nursing care

Under this policy, the cost of residential or nursing care includes the care and support provided and the accommodation and living costs in the care home.

The full cost of the service can vary due to the type of care and care home; the full cost will be shown on the Individual Placement Agreement (contract) between the Council, care home, person resident or representatives.

### 4.3. Community services

Under this policy, the full cost of non-residential care services can vary due to the type of care service. Details of services and basis of charge are given below:

<b>Service</b>	<b>Explanation of the charge</b>
Home care (Including care provided in Extra Care premises)	The charge will be based on the agreed level of service with the provider. A person who fails to provide 24-hours' notice to cancel or change care arrangements; will be charged in accordance with planned/proposed service activity. This is a standard rate for all homecare regardless of provider.
Night support	The charge will be based on the actual cost of the service.
24 live in support	The charge will be based on the actual cost of the service.
Day care	The charge will be based on attendance per day. A person has the option to be charged by the hour if they wish.
Take a Break	The charge will be based on the actual hourly rate of the service.
Transport	The charge will be based on a standard rate per journey. A journey can be defined as getting from one place to another.
Telecare	The charge will be based on the actual cost of the weekly "Telecare" monitoring service.
Direct payments	For Direct payments used to employ personal assistants the charge will be based on the total

<b>Service</b>	<b>Explanation of the charge</b>
	cost of paying and employing personal assistants.
Carers replacement services; Sitting service	The charge will be based on the agreed level of service with the provider. A person who fails to provide 24-hours' notice to cancel or change care arrangements will be charged in accordance with planned/proposed service activity.
Respite care (in a residential setting)	The charge will be based on the actual cost of the service with the care provider.
Other chargeable services	Other chargeable services apply when a person receives a service that does not ordinarily fall into the chargeable services defined above i.e. home care, day care, transport, telecare and personal assistants. The charge will be based on the support the customer receives.

Current charging rates are contained within the factsheet "Charges for Community Services" and are available on Warwickshire's website or by telephoning 01926 410410.

#### **4.4. Exemptions from contributions**

The following services are exempt from contributions:

- Community equipment and minor adaptations in accordance with the Care Act 2014
- Day Care service where it forms part of a person's residential care contract as defined within the residential charging guidance under the Care Act 2014
- Other services offered by the authority agreed to be exempt from Charging. If this applies, details can be found in the relevant service policy.

#### **4.5. Advice about benefits**

As part of the financial assessment process and where applicable, advice may be provided to a person regarding benefit entitlement. This may include referrals or signposting to relevant agencies and services.

It is a person's responsibility not the Council's to progress any claim and supply appropriate information to relevant agencies and services.

#### **4.6. Independent financial advice**

There will be times when a person needs to obtain financial advice which is impartial and independent of the Council to make the right decisions. For example:

- where there are a number of options available and advice is needed on which one to choose, bearing in mind that the Council may not be allowed to recommend one.
- when there is potential conflict between the Council and person's interests, such as advice on how assets are taken into consideration as part of the financial assessment.
- when a person is to enter into a legal agreement. For example, the Council can provide information about the consequences of entering into a **deferred payment agreement (DPA)**, but cannot advise whether a person should enter into it.
- where a person wants advice on specific financial products to get the most out of an asset.

#### **4.7. Independent or 'regulated' financial advisers**

Independent financial advice is available from a number of sources. Some services are free and provided by not-for-profit organisations, such as:

- **Money Advice Service** – or phone 0300 500 5000;
- **Citizen's Advice Bureau** – getting financial advice;
- **The Society of Later Life Advisers** – helps find trusted financial advisers who understand financial needs in later life.

There are also more formal 'independent financial advisers' (IFA), who charge for advice on financial matters and can recommend suitable financial products. The Council cannot recommend specific IFAs or provide a list.

#### **4.8. Obtaining and understanding advice**

If a person does not have family or friends to help, and may have difficulty getting or understanding independent financial advice, the Council may be able to provide an independent advocate.

An independent advocate can support or advocate on a person's behalf to help support and represent their well-being and interests. This may help a person get the most out of any independent financial advice.

Other situations may mean a person should have an independent advocate, such as when a long stay in a hospital or care home is required, or if there is a disagreement over a person's involvement in the decision.

#### **4.9. Paying for care**

Any charge will start from the day that service commences.

Where a full financial assessment is outstanding, the charge may be the full cost until completion of the financial assessment. Any subsequent adjustment in contribution may be backdated to the service start date subject to the backdating guidance.

Residential, Nursing, Home Care, Day Care, Transport and Telecare Services will be invoiced four weekly and in arrears. Payment can be made by a variety of methods and information about methods of payment are available on Warwickshire's website or by telephoning 01926 413012.

Direct payments are made four weekly to bank accounts less the person's charge. A person will pay their charge into that account on the same basis in accordance with a Direct Payment Agreement.

#### **4.10. Non-payment of contribution**

Where a person fails to make payment of invoices, or in line with the Direct Payment Agreement, action will be taken in accordance with our Debt Recovery Policy and/or Direct Payment Policy. This may result in legal action being taken and extra cost to the person.

#### **4.11. Cancellation of services**

If a person wishes to cancel a services or direct payment due to the level of the charge they should contact the Customer Service Centre or social worker to discuss the matter. Services cannot be cancelled through the Benefits, Assessments and Income Control section.

#### **4.12. Disagreements or complaints**

Where a disagreement or complaint occurs we will attempt to work with individuals to resolve and this may involve:

- A review of the financial assessment, for example if there has been an error in the calculation, there is new information that should be taken into account or a change to the type of care service.
- An appeal under the non-residential charging appeals process; for example after a review a person still believes that the financial assessment has not been calculated correctly or that a person believes there are exceptional circumstances that should be considered as a special case.
- A complaint or representation against policy; for example where a person believes the Council has not acted appropriately or that the policy is wrong.
- An application for a waiver of the charge; for example if a person agrees that the policy has been applied correctly, but they cannot afford to pay the charge as it would mean that the person would suffer severe hardship or health would be at serious risk. The Head of Social Care and Support holds overall responsibility for waiving charges but has delegated some of the decision making tasks to relevant managers.

A person must explain the reasons for any disagreement or complaint, providing supporting information and evidence to enable consideration of matters raised. Where a person does not provide explanations or supporting documentation following a written request the request may be rejected.

#### 4.13. How personal information can be used

The Council will work with partners to provide public services. To do this, information may in some circumstances be shared in a way that protects an individual's privacy in accordance with Warwickshire Full Privacy Notice.

The Council is under a duty to protect public funds and may use any of the information provided for the prevention and detection of fraud. This may also include sharing information with other bodies that are responsible for auditing or administering public funds.

A person has the right to know what information is held about them and the Council will try to make sure it is correct.

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Date of policy implementation:	1 <sup>st</sup> November 2017
Policy Owner:	Purnima Sherwood Strategic Finance Manager

## **Appendix A - Disability related expenditure guide**

- (applicable from 11th April 2017)

Warwickshire County Council policy for community services takes into consideration disability related expenditure within the financial assessment process. Disability related expenditure (DRE) is considered a necessary additional expense that a person has to meet needs, due to a disability or condition that is not being met by the Council.

The over-riding principles that govern the assessment of disability related expenditure are:

1. Where there is another adult residing in the home that would ordinarily have a responsibility for the maintenance and upkeep of the property, or benefits from a service that supports the household as a whole (for example, payments to a cleaner), the Council would expect them to assume an equal proportion of the costs incurred, unless we have information to show that a different way of sharing costs should be considered.
2. If a relative is residing with a person, then the Council would not normally accept payments to that relative as disability related expenditure.
3. Validation and verification of expenses form part of the financial assessment process. Claimed expenditure must be verifiable, for example with receipts, invoices or appropriate documentation. Where expenditure cannot be verified the expense may not be included, or may be restricted to a lower cost determined by the Council until future receipts can be provided. Where an amount of disability related expenditure requested is lower than discretionary amounts specified within this guide, decision makers may at their discretion not require evidence of expenditure.
4. Principles of reasonableness are to be applied and consideration given to whether claimed expenditure is likely to be necessitated by the person's disability or condition. The care plan can be a starting point for considering what is necessary disability related expenditure; however, flexibility is required and disability related expenditure may not be limited to what is recorded as necessary for care and support. Where there is any dispute or query additional information may be required that may include medical evidence, for example from a GP. Where reasonable alternatives are available at a lower cost or for free, the expense incurred by a person may be limited to the lower cost or considered ineligible.

No allowance will be made for any item or service that is required or used by the general population and would be considered normal expenditure. The exception to this is where an item or service is used specifically because of a person's disability or condition and would not otherwise be used and/or the item or service is not available at a lower cost. A person will be asked to provide evidence to support claims and should there be any doubt as to the appropriateness or amount of any item claimed as disability related expenditure, details will be

referred to Adult Social Care for a decision.

5. Disability related expenses will not be awarded for expenses which could be considered a lifestyle choice e.g. satellite television, some purchases, loan and credit agreements, or purchasing things privately that are available for free on the NHS etc. In some cases a disability related expense could be capped as expenditure over and above this amount could be considered a lifestyle choice.

### **Process for allowing disability related expenditure**

During the financial assessment process a person or representatives will be given the opportunity to advise if they have any additional expenses due to their disability or condition. This may involve, where necessary prompts and further questions to a person with examples of things that may be considered. A person must provide details and where appropriate evidence of identified costs. If evidence is not available at the date of the financial assessment a person may be given a period of time to obtain and supply documentation.

Where required evidence is not provided no expense will be included, and where evidence is provided after an agreed time any reduction will only be made from the date the supporting evidence is received.

In cases where a person is asking for a larger disability related expense than is usually allowed or is requesting an unusual disability related expense this may be referred to Adult Social Care for a decision.

The following provides examples of common items for consideration. The guidance is neither exclusive nor exhaustive but represents items referred to within the Care and Support Statutory Guidance.

## 1. Fuel (Household Gas and Electricity)

Additional fuel costs are calculated by comparing a person's actual costs over a 12 month period with the average costs for a similar household for the West Midlands. The actual costs are then compared to the average and the difference (calculated to a weekly amount) is taken into account as disability related expenditure. West-Midland averages for the Financial Year 2017/18 are shown below:

Accommodation type	1 Occupant	2 Occupants	Each additional adult occupant
Flat or Terraced house	£1367	£1802	£435
Semi-detached house	£1452	£1913	£461
Detached house	£1769	£2329	£560

## 2. Community alarm scheme

The actual cost of a Community Alarm is taken into account as disability related expenditure as evidenced by invoices and costs can differ throughout the county dependant on the area and service provider.

## 3. Private care

Costs for private care where provided professionally may be taken into account where evidence is produced in the form of invoices or receipts (for at least 4 weeks) and it is confirmed by Adult Social Care that it is reasonably required.

Confirmation of requirements may also be required from Adult Social Care to determine whether current services are sufficient or need to be reconsidered to meet needs where these may have changed, for example changing care hours to cover privately arranged care or whether privately arranged care is a personal choice rather than a care need.

## 4. Private domestic help

Costs of private domestic help may be taken into account where evidence is produced in the form of invoices or receipts (for at least 4 weeks), up to a maximum of 2 hours per week at £7.05 per hour. If a request is made for an amount greater than the maximum, or if there is any query about the level of need a decision will be made by Adult Social Care.

## 5. Laundry

A fixed price of £1.13 per load is allowable for each load in excess of 2 each week for a person and in excess of 4 loads each week for a couple. 2 loads each week is considered as the normal wash load for a person and 4 as the normal wash load for a couple.



Where there is no access to a washing machine at home the full launderette price can be allowed minus the price that is considered as the normal wash load. That is £2.26 for a person and £4.52 for a couple

## **6. Bedding**

Where bedding must be replaced on a regular basis due to spillages or incontinence etc. and no provision is made for the person through the NHS, the reasonable cost of replacement may be attributed to disability related expenditure.

## **7. Diet**

Advice from Health Authority dieticians to the National Association of Financial Assessment Officers has suggested that most medical conditions can be dealt with through a healthy diet which does not necessarily involve additional or exceptional costs. These include diabetes, weight reduction or low fat diets. Therefore expenses are at the discretion of the Council will be based on medical confirmation provided by a person from a GP/dietician of special dietary need.

Evidence must be provided of actual additional expenditure where those needs are likely to improve or maintain a person's health and are not available through the NHS. In cases where dietary requirements are agreed, details must be provided (from shopping receipts) as to the additional weekly cost of a person's diet. The excess expenditure attributable to a person can be calculated by deducting £29.41 per week for a person from the person's weekly bill and the difference may be allowed as disability related expenditure.

## **8. Clothing**

Additional costs for clothing or footwear, particularly where these are specially made, due to exceptional wear and tear caused by a person's disability or where they must be specially made may be allowed. This may also be due to tearing of clothing, staining or exceptional wear due to a person's particular circumstances. Additional costs of care should distinguish clearly between need based on disability as indicated in the care plan and "choice" where, for example, an individual may opt for "designer" rather than practical/functional items.

## 9. Water

Additional metered costs of water evidenced by a bill, above the average levels for the area and housing type can be attributed to disability related expenditure where water consumption results in higher costs due to the person's disability. The following table shows the average levels for the area and housing type published by Severn Trent Water.

No. of occupants	Flat or terraced	Semi-detached	Detached
1	£197.54	£229.34	£251.72
2	£295.42	£321.65	£347.88
3	£372.33	£398.56	£432.01
4	£444.47	£463.22	£489.44

## 10. Gardening

Up to £7.05 per week can be allowed for basic maintenance with verification e.g. receipts or invoices. Consideration of whether the costs are reasonable would take into account the person, the circumstances and health of others living in the household, the availability of voluntary help and the size of the garden.

## 11. Wheelchairs

Where a person has had to purchase their own wheelchair as not available via the NHS the replacement cost, maintenance and service contract costs up to a weekly maximum of £3.80 per week (manual) and £9.23 per week (powered) may be allowed where evidenced for example by a receipt or invoice. An expense allowance will be calculated over a five year life expectancy from the date of purchase and where the purchase has not been through the Motability Scheme.

## 12. Powered bed

The actual cost of a powered bed where not available from the NHS or under the Disabled Facilities Grant can be allowed up to a maximum of £4.25 per week based on a life expectancy of 10 years. Verification of the expense will normally be through receipts or an invoice, although in exceptional circumstances a visual confirmation that the item is "in situ" with confirmation from Adult Social Care that it is required may be agreed. Annual maintenance costs for upkeep, service contracts and insurances for the item are to be aggregated and divided by 52 to determine a weekly amount to be considered as disability related expenditure.

## 13. Turning bed

The actual cost of a turning bed not available from the NHS or under the Disabled Facilities Grant can be allowed up to a maximum of £7.36 each week based on a life expectancy of 10 years. Verification of the expense will normally be through receipts or an invoice, although in exceptional circumstances a visual confirmation that the item is "in situ" with confirmation from Adult Social Care that it is required may be

agreed. Annual maintenance costs for upkeep, service contracts and insurances for the item are to be aggregated and divided by 52 to determine a weekly amount to be considered as disability related expenditure.

#### **14. Powered riser/recliner chair**

The actual cost of the item where not available from the NHS or under the Disabled Facilities Grant can be allowed up to a maximum of £3.34 per week based on a life expectancy of 10 years. Verification of the expense will normally be through receipts or an invoice, although in exceptional circumstances a visual confirmation that the item is “in situ” with confirmation from Adult Social Care that it is required may be agreed. Annual maintenance costs for upkeep, service contracts and insurances for the item are to be aggregated and divided by 52 to determine a weekly amount to be considered as disability related expenditure. Discretion may be required where an individual has had to obtain a customised chair to meet their particular needs which may require Adult Social Care confirmation.

If a manual reclining chair has been purchased life expectancy should be treated as 5 years.

#### **15. Stair lift**

The actual cost can be allowed up to a maximum of £5.95 per week where this has not been provided by NHS or under the Disabled Facilities Grant and based on a life expectancy of 10 years. Verification of the expense will normally be through receipts or an invoice, although in exceptional circumstances a visual confirmation that the item is “in situ” with confirmation from Adult Social Care that it is required may be agreed. Annual maintenance costs for upkeep, service contracts and insurances for the item are to be aggregated and divided by 52 to determine a weekly amount to be considered as disability related expenditure.

#### **16. Hoist**

The actual cost can be allowed up to a maximum of £2.91 each week where this has not been provided by NHS or under the Disabled Facilities Grant and based on a life expectancy of 10 years. Verification of the expense will normally be through receipts or an invoice, although in exceptional circumstances a visual confirmation that the item is “in situ” with confirmation from Adult Social Care that it is required may be agreed. Annual maintenance costs for upkeep, service contracts and insurances for the item are to be aggregated and divided by 52 to determine a weekly amount to be considered as disability related expenditure.

#### **17. Holidays**

Additional disability related costs in excess of normal costs for a similar holiday can be allowed usually based on 1 holiday per year where evidence is provided of the additional costs incurred e.g. increased costs of accommodation that specialise for people with disabilities demonstrated by an actual invoice and quote for a similar holiday cost not including specialist costs

Discretion may be required where therapeutic aspects are involved resulting in more than 1 holiday per year and/or where the costs of carers/companions are a requirement and these will be confirmed by Adult Social Care.

## **18. Prescriptions**

Where the individual does not have an exemption from prescription charges the actual cost of items or the cost of an annual prescription prepayment certificate, whichever is the lower can be allowed as disability related expenditure. The 2017/18 annual prescription prepayment certificate fee is £104.00 therefore the maximum weekly amount allowed is up to £2.00 per week.

## **19. Transport**

Transport costs are discretionary and may be included where necessitated by illness or disability, if they are considered reasonable and over and above the mobility component of Disability Living Allowance or Personal Independence Payments; they must also be evidenced by receipts and details. Transport provided by Warwickshire County Council (for example to attend day care) is a chargeable service based on a financial assessment and so not to be included as a disability related expense.

## **20. Communications**

Additional costs of communications equipment due to a person's disability and established needs may be included, if not normally incurred by most of the public. For example telephone or internet access is often a normal part of everyday living and therefore evidence will be necessary to confirm that a cost is disability related. Receipts or invoices are required for verification of specialist equipment and the cost calculated over its estimated life expectancy.

## **21. Chiropody**

The cost of services provided by a Chiropodist can be allowed up to a maximum of £27.51 per 6 weekly visits (£4.59 per week) where identified in the care assessment, evidenced by receipts and where the NHS does not provide this.

## **22. Disability equipment**

Items such as frames, walkers, trolleys, specialised equipment, infra-red systems etc. including surgical and support wear that cannot be provided by the NHS may be allowed with the cost averaged over a 52 week period to provide an aggregated weekly amount of disability related expenditure.

## **23. Other items**

Consideration may be where a person requires additional items due to their disability not detailed in this document. Decisions may be based on a person's need, support plan requires and with confirmation from Adult Social Care.

# **EQUALITY IMPACT ASSESSMENT/ ANALYSIS (EqIA)**

## **Adult Social Care Charging Policy Changes**

Equality Impact Assessment/ Analysis (EqIA)

<b>Group</b>	<b>People Group / Resources Group</b>
<b>Business Units/Service Area</b>	<b>Social Care and Support / Finance</b>
<b>Plan/ Strategy/ Policy/ Service being assessed</b>	<b>Adult Social Care Charging Policy Changes</b>
<b>Is this is a new or existing policy/service?</b>	<b>Amendment to existing policy.</b>
<b>If existing policy/service please state date of last assessment</b>	January 2016
<b>EqIA Review team – List of members</b>	<b>Caroline Potter</b> Purnima Sherwood Pete Sidgwick
<b>Date of this assessment</b>	<b>21/08/17</b>
<b>Signature of completing officer (to be signed after the EqIA has been completed)</b>	Caroline Potter
<b>Are any of the outcomes from this assessment likely to result in complaints from existing services users and/ or members of the public?</b> If yes please flag this with your Head of Service and the Customer Relations Team as soon as possible.	<b>NO</b>
<b>Name and signature of Head of Service (to be signed after the EqIA has been completed)</b>	<b>John Betts</b>
<b>Signature of GLT Equalities Champion (to be signed after the EqIA is completed and signed by the completing officer)</b>	

A copy of this form including relevant data and information to be forwarded to the Group Equalities Champion and the Corporate Equalities & Diversity Team



*Working for Warwickshire*



## Form A1

### INITIAL SCREENING FOR STRATEGIES/POLICIES/FUNCTIONS FOR EQUALITIES RELEVANCE TO ELIMINATE DISCRIMINATION, PROMOTE EQUALITY AND FOSTER GOOD RELATIONS



High relevance/priority



Medium relevance/priority



Low or no relevance/ priority

**Note:**

1. Tick coloured boxes appropriately, and depending on degree of relevance to each of the equality strands
2. Summaries of the legislation/guidance should be used to assist this screening process

Business Unit/Services:	Relevance/Risk to Equalities																										
	Gender			Race			Disability			Sexual Orientation			Religion/Belief			Age			Gender Reassignment			Pregnancy/ Maternity			Marriage/ Civil Partnership (only for staff)		
State the Function/Policy /Service/Strategy being assessed:	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Adult Social Care Charging Policy (community care)	✓					✓	✓					✓			✓	✓					✓			✓			
Adults Social Care Charging Policy (residential care)	✓					✓	✓					✓			✓	✓					✓			✓			
Residential Respite charging	✓					✓	✓					✓			✓	✓					✓			✓			
Are your proposals likely to impact on social inequalities e.g. child poverty for example or our most geographically disadvantaged communities? <b>If yes please explain how.</b>																								<b>NO</b>			



<p>Are your proposals likely to impact on a <b>carer</b> who looks after older people or people with disabilities? <b>If yes please explain how.</b></p> <p>In changing the charging mechanism for respite care, it will reduce the charging burden of carers having a break. Whilst this charge is met by the customer not the carer, it will reduce pressure on overall household finances.</p> <p>Improvements to the clarity of the charging policy should make it easier for customers and carers to understand and therefore reduce the pressure on carers.</p>	<p><b>YES</b></p>

**Form A2 – Details of Plan/ Strategy/ Service/ Policy**

<b><u>Stage 1 – Scoping and Defining</u></b>	
(1) What are the aims and objectives of Plan/Strategy/Service/Policy?	<p>The Adult Social Care Charging Policy is being updated with 2 aims.</p> <p>The first is to change the basis for assessment for contributions towards residential respite care from the residential to the community assessment basis. This is to reflect that stays in respite often do not mean changes to household bills for which individuals remain liable – e.g. rent.</p> <p>The second is to bring the whole charging policy into one document for customers, whereas before it was in two documents – a charging policy for community care, and then the Care Act statutory regulations and guidance for residential care with no local document setting out local practice. The intention is that one document will make it clearer and easier for customers.</p>
(2) How does it fit with Warwickshire County Council’s wider objectives?	<p>It supports the delivery of the objective that “Vulnerable members of our communities are supported to be independent and safe” by ensuring that there is a fair and consistent approach to charging, and therefore being fair to customers as a whole.</p>
(3) What are the expected outcomes?	<p>The expected outcomes are that fewer customers contribute towards their respite care, and more contribute less towards their respite care, improving the usage of respite care and increasing the sustainability of caring relationships, and increasing the net cost of respite care services to the council.</p> <p>Also decreased questions about complaints about the charging policy because the guidance is easier to access and navigate.</p>
(4) Which of the groups with protected characteristics is this intended to benefit? (see form A1 for list of protected groups)	<p>Older and younger adults with disabilities, and their carers and families should benefit from the reduced financial impact of accessing respite care.</p> <p>They should also benefit from a clearer and more understandable policy.</p>
<b><u>Stage 2 - Information Gathering</u></b>	

(1) What type and range of evidence or information have you used to help you make a judgement about the plan/ strategy/ service/ policy?	The usage of respite services for between 1 <sup>st</sup> June 2016 and May 2017 has been used to model the impact, using the age, gender, usage and financial differences to model the impact and understand who is impacted.
(2) Have you consulted on the plan/ strategy/ service/policy and if so with whom?	Yes – with the Learning Disability Partnership Board, with all customers and their carers who accessed respite between the above dates or who currently are (and are still alive), and with the wider Warwickshire population through Ask Warwickshire.
(3) Which of the groups with protected characteristics have you consulted with?	All of the groups will be picked up through the consultation, with existing service users receiving targeted consultation, therefore age, disability and gender mixes will reflect the existing cohort of service users.

**Stage 3 – Analysis of impact**

<p>(1) From your data and consultations is there any adverse or negative impact identified for any particular group which could amount to discrimination?</p> <p>If yes, identify the groups and how they are affected.</p>	RACE	DISABILITY	GENDER
	NO	All of these proposals relate to people who need support with a disability or who care for someone with a disability	<p>In the older people age range, the gender balance is that there are more females than males.</p> <p>In the working age range, the gender balance is that there are more males than females.</p>

	MARRIAGE/CIVIL PARTNERSHIP  n/a	AGE This impacts on adults of all ages who receive chargeable services, however respite services are more commonly accessed by younger adults. Younger adults generally have lower ability to pay for services, so where older adults do access respite, they are likely to benefit greater from the changes.	GENDER REASSIGNMENT  n/a
	RELIGION/BELIEF  n/a	PREGNANCY MATERNITY  n/a	SEXUAL ORIENTATION  n/a
(2) If there is an adverse impact, can this be justified?	There is a small potential adverse impact on those who have an occupational pension, which they are able to share 50/50 with their partner under residential charging rules, but not under community charging rules. This can be justified in that this is the same treatment for those who access other services than residential respite for breaks (e.g. daycare or community respite options), and therefore is consistent in treatment for all care accessed to provide a break for the family carer(s).		
(3)What actions are going to be taken to reduce or eliminate negative or adverse impact? (this should form part of your action plan under Stage 4.)	Giving notice of the changes and helping customers to understand the impact on them at a personal level.  Consistent application of a means test which has regard to ability to pay. These proposals so not change the means test, but change which determination of ability to pay is used for residential respite charges only.		

<p>(4) How does the plan/strategy/service/policy contribute to promotion of equality? If not what can be done?</p>	<p>It treats all respite under the same charging calculations, instead of treating residential respite under a different basis to community respite options. This removes the charging disincentive from choosing a residential respite stay, if that is the best option for continuing the caring relationship.</p>
<p>(5) How does the plan/strategy/service/policy promote good relations between groups? If not what can be done?</p>	<p>It does not have any positive or negative impact in terms of relationships between groups.</p>
<p>(6) Are there any obvious barriers to accessing the service? If yes how can they be overcome?</p>	<p>This proposal is designed to remove one of the potential barriers to accessing residential respite services.</p>
<p>(7) What are the likely positive and negative consequences for health and wellbeing as a result of this plan/strategy/service/policy?</p>	<p>The likely positive consequences are that there is increased usage of residential respite and reduced stress on families and caring relationships within the,.</p> <p>The likely negative impact is that for a very small number of customers charges will increase.</p>
<p>(8) What actions are going to be taken to reduce or eliminate negative or adverse impact on population health? (This should form part of your action plan under Stage 4.)</p>	<p>Clear communication of the impact to customers. Opportunities for those adversely impacted to be able to reconsider their support options.</p>
<p>(9) Will the plan/strategy/service/policy increase the number of people needing to access health services? If so, what steps can be put in place to mitigate this?</p>	<p>No.</p>
<p>(10) Will the plan/strategy/service/policy reduce health inequalities? If so, how, what is the evidence?</p>	<p>No.</p>

**Stage 4 – Action Planning, Review & Monitoring**

If No Further Action is required then go to – Review & Monitoring

(1) Action Planning – Specify any changes or improvements which can be made to the service or policy to mitigate or eradicate negative or adverse impact on specific groups, including resource implications.

### EqlA Action Plan

Action	Lead Officer	Date for completion	Resource requirements	Comments
Letters to customers to notify them of decision and whether information is needed from them for a new financial assessment	Purnima Sherwood	October 2017	Finance, Care management	Analysis of current available assessments and likely impacted customers
Updated financial assessments for affected customers	Darren McCafferty	October 2017	Finance	
Implementation of new assessment rates	Darren McCafferty	October 2017	Finance	
Upload new policy to the web	Purnima Sherwood	October 2017	Finance, Comms	
Monitoring of respite take up and impact on income	Purnima Sherwood	March 2018	Finance	This should be straightforward to monitor from standard data sets.

(2) Review and Monitoring  
State how and when you will monitor policy  
and Action Plan

The policy and plan will be managed through the Adult Customer Journey Programme arrangements.

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Please annotate your policy with the following statement:

**'An Equality Impact Assessment/ Analysis on this policy was undertaken on (date of assessment) and will be reviewed on (date three years from the date it was assessed).'**



## Cabinet

10 October 2017

### Health Advocacy Services Redesign: Consultation Findings and Proposed Service Model

#### Recommendations

That Cabinet:

- 1) Agree the outcomes and findings of the consultation process which has informed Health Advocacy Service redesign.
- 2) Approve the proposed new service model, in order to proceed with the procurement of the new Health Advocacy Service.
- 3) Authorises the Joint Managing Director (Communities) to commence an appropriate procurement process and to award any contracts for the redesigned Health Advocacy Service on terms and conditions acceptable to the Joint Managing Director (Resources).

#### 1.0 Background and rationale

- 1.1 There are 9 advocacy services commissioned by Warwickshire County Council. Three of these are funded through Public Health: NHS Complaints Advocacy, General Health Advocacy and Independent Mental Health Advocacy. For a summary of these health advocacy services and what they provide for the residents of Warwickshire please see background paper 1.
- 1.2 The three contracts for the health advocacy services are currently due to expire on 31st March 2018. The current combined annual contract values for the services in 17-18 are £209,500. Through the One Organisational Plan 2020 requirements, the combined annual value for these services is likely to range between £160,000 to £190,000. A competitive tender process will be undertaken to achieve best quality and value for money in the delivery of these services.
- 1.3 In addition to these health advocacy services, there are 6 other advocacy and advice services commissioned by Warwickshire County Council through Strategic Commissioning, People Group.
- 1.4 To aid Cabinet to appraise all of the different contracts and consultation and engagement activity undertaken for the entire advocacy service provision, two separate reports are being presented to Cabinet. This Health Advocacy Services report focuses on the Warwickshire County Council contracts funded through Public Health, but should be read in conjunction with the Advocacy,

Information, Advice and Support Services report also being presented to Cabinet.

- 1.5 Whilst two separate reports are being presented to Cabinet, the procurement process of all 9 advocacy service areas commissioned by Warwickshire County Council is being undertaken with a joined up process, approach and timeline. A joint working group has been established involving commissioners in Public Health and People Group, led by Procurement, to ensure consistency of approach across the Council and outcomes for Warwickshire residents.
- 1.6 The current advocacy contracts also include provision for residents of Coventry. For the Health Advocacy Services, this includes provision within the Independent Mental Health Advocacy contract for the statutory element of the service.
- 1.7 Through the One Organisational Plan 2017-20, the County Council describes how it will rise to the challenge of making Warwickshire the best it can be. Over the last three years, the County Council has delivered £92 million of savings and is now faced with making further savings of £67 million. This means shaping the future of a very different County Council and different public service provision that can be afforded both now and up to 2020.
- 1.8 Since 2015/16 Public Health has experienced a significant and recurrent reduction to its ring fenced grant funding from the Department of Health. In addition to local Council savings, the impact of these reductions is significant and a challenge to achieve. In order to meet this challenge, Public health is redesigning its services, ensuring that prevention and early intervention are a major part of the new offer to the public, whilst continuing to commission priority, high quality and value for money services. We must ensure that vulnerable citizens are supported and that services are as efficient and effective as possible.
- 1.9 This paper provides details of the key findings and outcomes of the consultation process for the three health advocacy services which have informed the proposed service model outlined later in this report.

## **2.0 Consultation process**

- 2.1 An 8 week consultation started on 9 June 2017 and ended on 31 July 2017. The aim of this consultation activity was to effectively engage with current, previous and potential advocacy service users, and other key stakeholders, (including health advocacy service referrers and advocacy service providers) on the proposed service model, and ensure there were opportunities for them to influence and shape the new service.
- 2.2 A range of engagement methods were employed to maximise opportunities for service users and other key stakeholders to put forward their views. Advocacy services work with vulnerable people who are often seldom heard,

therefore, maximum effort was made to ensure that these groups had ample opportunity to feed into this process. Methods of consultation included:

- Survey (both on line and paper format)
- Other options were provided for individuals who require additional support to contribute, including focus groups and discussion based individual feedback
- Provider engagement/market testing event held on 19 July 2017
- Engaging stakeholders at planned local events and forums e.g. Making Space Mental Health Service User forums, focus groups via Grapevine for people with learning disabilities
- Face to face engagement at relevant hospital locations

2.3 Where possible and appropriate, shared consultation activities were carried out in conjunction with other Public Health commissioners who were also conducting consultation activity with similar time frames. This approach helped to avoid over consulting and duplication of engagement with similar stakeholders as well as providing an opportunity for Public Health to promote and share information on a range of services to a wider audience.

2.4 Costs relating to the consultation were met within current Public Health budgets.

2.5 A full consultation report has been prepared (see background paper 2). Section 3 of this report provides headline results of the consultation.

### **3.0 Consultation findings**

3.1 The findings of the consultation represent the views of **105** members of the public, advocacy service users, advocacy service providers and professionals.

3.2 The consultation focused on exploring 3 main areas for the proposed new service model:

- Access to Health Advocacy Services via an integrated service model
- Timescales for receiving services
- Partnership working with Healthwatch

Respondents were also invited to comment on ways in which the promotion and marketing of the health advocacy services could be improved, so that both referrers and potential clients are fully aware of them. The results of this section are presented in the full consultation report.

3.3 Following collation and analysis of all responses received there was an overall general consensus from respondents who strongly agreed with the majority of the service principles. This consensus was then further reinforced through respondents' comments providing qualitative insight which has been used to further shape and influence the proposed service model.

3.4 Integrated Service Model - combining the three health advocacy services under one contract

- The vast majority of respondents, both individuals and providers agreed with the proposal to combine the three services into one advocacy service, as this would result in the following benefits:
  - Simplified referral pathway
  - Reduced confusion amongst service users and professionals about the different types of advocacy
  - More efficient triage to prioritise and manage referrals
  - Better value for money
  - Service users will only have to tell their story once
- However, respondents expressed some concerns, as follows:
  - Combining the services under one contract would result in a wide spectrum of services
  - Staff issues, including TUPE, disparate staff teams, staff potentially needing to have knowledge of all three advocacy areas, impact on staff workload

### 3.5 Links with Healthwatch

- Individuals were generally supportive of the proposed plan to develop the partnership with Healthwatch. It was felt that this would strengthen both services through picking up of emergent trends in health services
- Suggestions for partnership working included: co-location, joint working on projects.
- There was agreement for the link to Healthwatch needing to be clearer, as some individuals think they provide advocacy. Clarity over purpose would reduce duplication of provision.

### 3.6 Timescales for service: flexible waiting times for people accessing non-statutory advocacy provision

- People accessing statutory advocacy services have response times for their service to commence stated in the relevant legislation, and the new service model will require providers to meet these requirements. Where people are referred for non-statutory advocacy provision, the consultation asked for views on a flexible waiting time model.
- The flexible waiting times issue was the most contentious across all of the consultation areas
- Respondents felt that there were issues around fairness and equality of access to the service, and they were concerned about the impact of waiting times on people's wellbeing
- 42% of respondents to the survey expressed concern that more flexible waiting times for non-statutory advocacy provision would lead to increased stress amongst non-statutory service users, which may result in people falling through the net and not receiving the help they require. These respondents felt that people in the community are often

the most vulnerable and most in need, and that statutory service users should not be prioritised over them.

- Advocacy providers commented that they have well developed systems and processes to manage demand and referrals, and this includes systems to respond effectively to statutory and non-statutory referrals so that cases are allocated based on need and urgency of referral, for both statutory and non-statutory referrals.

## **4.0 Proposed Service Model**

- 4.1 All the responses received through the various engagement mechanisms employed during the consultation process and the emerging key themes have helped to shape and influence the proposed new Health Advocacy service model.
- 4.2 The proposed new service model will bring together the three current health advocacy services in Warwickshire (NHS Complaints Advocacy, General Health Advocacy and Independent Mental Health Advocacy) into one integrated Health Advocacy Service to be delivered by one provider or partnership of providers. This will provide a single point of entry to health advocacy services across Warwickshire, making it easier for residents of Warwickshire to access this support. Close links will also be made to the other advocacy services commissioned by Warwickshire County Council through a joint tender process for all services.
- 4.3 The proposed new Health Advocacy Service contract will also include provision of Independent Mental Health Advocacy for Coventry: both statutory IMHA funded by Coventry City Council, and non-statutory IMHA funded by Coventry and Rugby Clinical Commissioning Group. This will ensure that patients of mental health services in Coventry and Warwickshire will have one provider for their IMHA provision across the STP foot-print, and referrers who are mainly from Coventry and Warwickshire Partnership Trust, will also only have one provider to refer too. The annual contract value for this element of provision, subject to final approvals within the commissioning organisations in Coventry, and a competitive tender process to achieve best value for money is likely to range between £100,000 and £130,000. Opportunities to join up the process with Solihull were also explored, but timelines for a joined up process were not feasible.
- 4.4 The contract period will be for a period of 3 years, with options to extend for period(s) up to 24 months, subject to satisfactory performance by the provider. This will be replicated through all of the advocacy services contracts across the Council so that they can be reviewed together at the end of the new contract period.
- 4.5 The new service will be outcome focused, placing the needs of service users at the core of service delivery, and aligned to the Advocacy Outcomes

Framework produced by the National Development Team for Inclusion. The framework details outcomes in four main areas:

- **Changes for the individual**, to include: increased voice and personal control, improved opportunities, challenging injustice, increased independence, individual's rights are upheld
- **Changes for the health and social care sector**, to include: improved service quality and experience for the user, service change and improvement, coproduced services
- **Changes in the wider community**, to include: increased social inclusion and contribution, and exercising of democratic rights
- **Changes in the advocacy organisation**, to include: improved accessibility of advocacy provision, improved governance and application of best practice, including coproduction of the service.

Commissioners across both Public Health and People Group will be incorporating requirements for providers to demonstrate that they meet these outcomes within the relevant advocacy service specifications.

- 4.6 Service delivery will be in accordance with best practice for the delivery of advocacy services, with providers expected to demonstrate high quality performance in accordance with relevant guidance and standards. This will include demonstrating that service delivery meets the Advocacy Code of Practice, and for NHS Complaints Advocacy that service delivery meets Healthwatch England's proposed standards for the delivery of NHS Complaints Advocacy.
- 4.7 The new service specification will also require providers to demonstrate effective practice in terms of managing and prioritising referrals into the new integrated service. The provider will be expected to develop and agree with commissioners a referral management protocol and procedure (triage), in order to ensure that the wellbeing of service users accessing non-statutory advocacy provision is not put at risk through flexible waiting times. Ongoing monitoring of this will be prioritised and robustly monitored through scheduled and regular contract monitoring meetings.
- 4.8 Through the review and consultation of the Health Advocacy Services provision, the relationship between Healthwatch and the Health Advocacy Service provision has been considered. Options for consideration have included developing a stronger partnership between the services, to also considering options for a more aligned contractual and tender process for these services. Building on the consultation and review findings, a stronger partnership will be required as part of the new service model, one in which collective trends and emerging issues noted by the Health Advocacy Service will be shared with Healthwatch, so that Healthwatch can champion required changes and improvements to local health services. Referrals from Healthwatch to the Health Advocacy Services provider will also be strengthened through enhanced partnership working between the two services. This will ensure clarity of role between the Healthwatch function and the Health Advocacy Service function, for both referrers and clients accessing the provision.

- 4.9 Strengthening the partnerships between the Health Advocacy Service and other key stakeholders will also be a core requirement of the new service. The commissioned provider will be required to operate closely with other advocacy providers and services in Warwickshire, to ensure that relevant links and cross referrals are made between services. The Health Advocacy Service provider will also be expected to develop a good knowledge of, and links to, related services in Warwickshire which clients may need to be supported to access, including for example: finance and debt management services, housing related support services and mental health services. This will also include developing good links to the Mental Health Coproduction Service, which is funded by Public Health to ensure that mental health service users are involved in the commissioning process of mental health services.
- 4.10 An outcomes based performance framework will be used to measure service user outcomes, provider performance and activity for each of the three types of advocacy provided under the proposed integrated health advocacy service. This will enable commissioners to monitor performance against each service area: NHS Complaints Advocacy, General Health Advocacy and Independent Mental Health Advocacy ensuring that the nuance of each of these types of advocacy provision is not lost through an integrated model.

## 5.0 Equality Impact Assessment

- 5.1 Following the consultation process, the Equality Impact Assessment has been reviewed and updated to reflect the consultation findings and profile of respondents and is awaiting final approval (see background paper 3).

## 6.0 Timescales associated with the decision and next steps

- 6.1 Following cabinet's decision, the table below sets out the critical milestones and key deadlines for the tendering and commissioning of the Health Advocacy Service.

<b>Milestones</b>	<b>Deadline</b>
Cabinet meeting	12 October 2017
Tender process begins	1 November 2017
Tender process closes	30 November 2017
Tender evaluation period	30 December 2017
Contract award	26 January 2018
Service transition period	February and March 2018
New service starts	1 April 2018

Cabinet is asked to note that commissioners are currently seeking permission to extend the existing contracts expiration date to 30<sup>th</sup> June 2018, to allow for a longer transition period to new services. If this is approved, the new services will commence on 1<sup>st</sup> July 2018.

6.2 Providing feedback to respondents is a vital element of the consultation process and this will be undertaken by ensuring the final consultation report is made publicly available on 'Ask Warwickshire' and widely shared with all partners and stakeholders.

## Background papers

None

## Appendices

1. Description of health advocacy services
2. Consultation Report
3. Equality Impact Assessment

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The report was circulated to the following members prior to publication:

Local Member(s): N/A

Other members: Councillors Caborn, Redford, Golby, Parsons, Morgan, Rolfe



## **Appendix 1 - Description of three health advocacy services**

### NHS Complaints Advocacy

NHS Complaints Advocacy is a statutory service, which means local authorities are required to make arrangements for it to be provided. It supports people in Warwickshire who may want to raise a complaint about NHS funded care (including a complaint to the Parliamentary and Health Service Ombudsman). Services range from provision of self-help and signposting, dedicated advocates to support people through the process, to include; assistance in letter writing, filling in NHS forms and attendance at health related meetings, if required.

### General Health Advocacy

General Health Advocacy is a non–statutory advocacy service and is focused on supporting individuals with more complex needs, including people aged over 65, people with learning and /or physical disabilities who would benefit from advocacy support whilst receiving NHS treatment, particularly at the point of discharge.

### Independent Mental Health Advocacy

Independent Mental Health Advocacy (statutory service) supports qualifying mental health patients to understand the legal provisions, rights and safeguards to which they are entitled under the Mental Health Acts. This help may include:

- Supporting patients in accessing information and better understanding what is happening to them;
- Supporting qualifying patients in exploring options, making better informed decisions and actively engaging with decisions that are being made;
- Supporting qualifying patients in articulating their own views;
- Speaking on the patient’s behalf and representing them;
- Supporting patients in other ways to ensure they can participate in the decisions that are made about their care and treatment
- Patients are able to access this provision whilst they are in-patients and whilst being treated in the community where they meet the full service access criteria.

In addition, non-statutory IMHA provision is also available, so that all mental health inpatients can access an advocate, not just those on qualifying sections for statutory IMHA. Furthermore, community IMHA is also available to support patients accessing specialist mental health services in the community to enable them to maintain their

wellbeing and recovery, and working with clients to resolve emerging or ongoing issues. This could include for example supporting patients to access debt management or housing services, and / or help patients to have their voice heard in their care planning.

# Appendix 2 - Health Advocacy Services Consultation Report

## Contents

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## 1.0. Introduction

There are currently three health advocacy services commissioned by Warwickshire County Council through Public Health Warwickshire, these include NHS Complaints Advocacy, General Health Advocacy and Independent Mental Health Advocacy.

NHS Complaints Advocacy (statutory service) supports people in England who may want to raise a complaint about the NHS (including a complaint to the Parliamentary and Health Service Ombudsman). Services range from provision of self-help and signposting, dedicated advocates to support people through the process, to include; assistance in letter writing, filling in NHS forms and attendance at health related meetings, if required.

General Health Advocacy (non-statutory service) is focused on supporting individuals with complex needs who would benefit from advocacy support whilst receiving NHS treatment, particularly at the point of discharge. It is targeted towards individuals over the age of 65, or people who have either physical disabilities and/or learning disabilities.

Independent Mental Health Advocacy (statutory and non-statutory service) supports qualifying mental health patients to understand the legal provisions, rights and safeguards to which they are entitled under the Mental Health Acts. This help may include:

- Supporting patients in accessing information and better understanding what is happening to them;
- Supporting qualifying patients in exploring options, making better informed decisions and actively engaging with decisions that are being made;
- Supporting qualifying patients in articulating their own views;
- Speaking on the patient's behalf and representing them;

- Supporting patients in other ways to ensure they can participate in the decisions that are made about their care and treatment
- Patients are able to access this provision whilst they are in-patients and whilst being treated in the community where they meet the full service access criteria.
- Non – statutory mental health advocacy provision is also provided so that all mental health inpatients (not just those on a statutory section) can access an advocate. Alongside this, advocates are also available in the community to meet with patients who are receiving specialist mental health care and treatment in the community.

The current contracted services for NHS Complaints Advocacy, General Health Advocacy and Independent Mental Health Advocacy comes to an end on 31st March 2018. An 8 week consultation process was undertaken during June and July 2017 to seek stakeholder views on a proposed new service model for Health Advocacy Service provision in Warwickshire. Public Health carried out engagement work with stakeholders, service users and their families and current providers in preparation for the redesign of this service which has informed the updated Needs Assessment.

### 1.1. Proposed service model

There are three key changes that we are proposing to make to Warwickshire’s Health Advocacy Services provision. These changes are outlined in Table 1:

**Table 1: Three key changes that we are proposing to make to Warwickshire’s Health Advocacy Services**

Proposed change	More information
<b>Access to Health Advocacy Services</b>	<p>Currently, to access any of the three Health Advocacy Services, you, or your referrer, need to know about and approach the three services separately. We would like to change this so that the three Health Advocacy services are delivered as one service, and delivered by one provider (or a partnership of providers). This model is available in other parts of the country.</p> <p>We think a combined model might help to:</p> <ul style="list-style-type: none"> <li>• make it easier for people to know about the services and seek support from them</li> <li>• reduce the need for people to be seen by more than one service provider, as we know that some people need support from more than one health advocacy service</li> <li>• reduce the amount of times that clients have to describe their experiences more than once to different advocates and providers</li> <li>• make our services more efficient and effective for the</li> </ul>

	<p>people who use them</p> <ul style="list-style-type: none"> <li>• help us to deliver better value for money for the public, from the public purse</li> </ul>
<p><b>Timescales for Service</b></p>	<p>Individuals who have a statutory right to an advocate (NHS Complaints Advocacy &amp; Statutory Independent Mental Health Advocacy) also have rights to be seen by their advocate within set timescales. We will continue to make sure that the new health advocacy service provider (or partnership) meets the requirements for responding to referrals, and seeing new clients within the statutory guidelines. However, this may mean that individuals who are referred for non-statutory provision (General Health Advocacy &amp; non-statutory Independent Mental Health Advocacy) may have more flexible waiting times as statutory referrals will be prioritised first.</p> <p>Flexible waiting times for non-statutory advocacy services could result in some individuals waiting a longer time period to be seen by an advocate, but it could also mean that some clients will be seen more quickly. For example, if you are an informal inpatient in mental health services, and you approach an advocate on the ward during their ward visits, they may be able to respond to your issue immediately and help you to resolve it. Where individuals have to wait longer we are keen to hear views about what might be helpful during this period, and we have included some suggestions in our consultation questions for consideration.</p>
<p><b>Partnership working with Healthwatch</b></p>	<p>Through working with their clients, Health Advocacy Services get to know a lot about what is working well with our NHS health services, and what could be improved. We think that this collective knowledge could be better used to help improve our local health services, particularly by sharing themes and trends with our local Healthwatch service.</p> <p>We are therefore proposing to create a stronger partnership between our local Health Advocacy Services and our local Healthwatch service. Healthwatch is a statutory service and it exists to be the consumer champion for accessing local health and social care services. You can find out more about the existing Healthwatch service here:  <a href="http://www.healthwatchwarwickshire.co.uk/">http://www.healthwatchwarwickshire.co.uk/</a></p> <p>We are not proposing that any personal information about any of the clients that the Health Advocacy Services or Healthwatch service works with is shared. It would only involve the providers discussing themes and trends that people are facing with health services locally, so that Healthwatch can champion for</p>

	improvements to be made. We hope that a stronger partnership will also result in Healthwatch making more referrals to the Health Advocacy Services.
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To inform the proposed service model, Warwickshire County Council, Public Health has already undertaken the following work:

- Completed a full service review of the existing service
- Completed a needs analysis for health advocacy services in Warwickshire

Through the One Organisational Plan 2017-20, the County Council describes how it will rise to the challenge of making Warwickshire the best it can be. Over the last three years, the council has delivered £92 million of savings and is now faced with making further savings of £67 million. This means shaping the future of a very different County Council and different public service provision that can be afforded both now and up to 2020.

Since 2015/16 Public Health has experienced a significant and recurrent reduction to its ring fenced grant funding from the Department of Health. In addition to local Council savings, the impact of these reductions is significant and a challenge to achieve. In order to meet this challenge, Public health is redesigning its services, ensuring that prevention and early intervention are a major part of the new offer to the public, whilst continuing to commission priority, high quality and value for money services. We must ensure that vulnerable citizens are supported and that services are as efficient and effective as possible.

## **2.0. Consultation process**

### **2.1. Background**

An 8 week consultation started on 9 June 2017 and ended on 31 July 2017. The aim of this consultation activity was to effectively engage with current and previous advocacy service users and other key stakeholders on the proposed service model and ensure there were opportunities for them to influence and shape the new service.

A range of engagement methods were employed to maximise opportunities for service users and other key stakeholders to put forward their views, these included. Advocacy services work with vulnerable people who are often seldom heard, therefore, maximum effort was made to ensure that these groups had ample opportunity to feed into this process. Methods of consultation included:

- Survey (both on line and paper format)
- For individuals who require additional support to contribute, other options were provided, including focus groups and discussion based individual feedback
- Provider engagement/market testing event held on 19 July 2017
- Engaging stakeholders at planned local events and forums e.g. Making Space Mental Health Service User forums, focus groups via Grapevine for people with learning disabilities
- Face to face engagement at relevant hospital locations

Where possible and appropriate, shared consultation activities were carried out in conjunction with other Public Health commissioners who were also conducting consultation activity with similar time frames. This approach helped to avoid over consulting and duplication of engagement with similar stakeholders as well as providing an opportunity for Public Health to promote and share information on a range of services to a wider audience.

Costs relating to the consultation were met within current Public Health budgets.

An Equality Impact Assessment (EqIA) was completed to support the consultation. The EqIA was reviewed and updated as part of this consultation process (see background paper 3).

## 2.2. Consultation/engagement activity

### 2.2.1. Communication channels

The Health Advocacy Service consultation was promoted via internal and external communications channels (Table 2).

**Table 2: Internal and external channels utilised to promote the Health Advocacy Services consultation**

Channel	Detail
<b>External</b>	
Ask Warwickshire	warwickshire.gov.uk/ask
Email	External and internal - see distribution list below
Social Media	Posts to Twitter, Facebook, Instagram
Face to face	Public engagement in libraries, hospitals, community forums
Newsletters	SWCCG newsletter, WCAVA grapevine, Healthwatch newsletter and internal newsletters (see below).
Press notice x 4	Sent to countywide media
Hospitals	CCG comms leads, SWFT hospital magazine
WCC libraries	Public engagement
GP surgeries	Email
Pharmacists	Email
<b>Internal</b>	
Re:member	Newsletter to councillors
Intranet homepage	Headline slot
MD briefing	Joint Managing Director briefing to all staff
Your Warwickshire	Newsletter to MP's
Group briefings	Included in Resources, Communities and Fire & Rescue, People Group
Public Health Matters	Public Health department newsletter

#### Email Distribution List

- Countywide press
- District and borough councils
- Parish councils
- Warwickshire MP's
- Members - county councillors
- Third sector contacts
- CCG's
- Public Health master list
- GP's
- Pharmacies
- Colleges
- Drug and alcohol contacts
- Move Improve contacts
- Re:member
- Group briefings - F&R, Communities, Resources, People
- Comms Leads
- Fitter Futures contacts
- Healthwatch newsletter



- CAVA - Grapevine
- Schools - heads up and schools post
- MD Briefing
- Website - health and wellbeing updates (600 subscribers)
- Police and Crime Commissioner
- Coventry and Warwickshire Partnership Trust
- South Warwickshire Foundation Trust
- Patient Advice and Liaison

### 2.2.2. Consultation/engagement activity

Further targeted work was undertaken to engage Warwickshire residents in the Health Advocacy Service consultation (Table 3).

**Table 3: Targeted work undertaken to engage with residents on the Health Advocacy Services consultation**

Activity	Date(s)	Number of consultees
Mental health service user involvement forums	11 July 2017 17 July 2017 20 July 2017 21 July 2017	33
Consultation with Social Work Operational Teams at WCC	24 July 2017	7
Focus groups run by Grapevine – service user involvement for people with learning disabilities	13 July 2017 17 July 2017	24
Completing surveys and promoting the consultation in St Michaels and Cauldon Centre (secondary care mental health treatment centres)	9 June – 31 July 2017	Approximately 20
Completing surveys and promoting the consultation at Warwick and Stratford libraries	9 June – 31 July 2017	Approximately 20
Completing surveys and promoting the consultation at Warwick Hospital	9 June – 31 July 2017	Approximately 50
Completing surveys and promoting the consultation at University Hospital Coventry and Warwickshire	9 June – 31 July 2017	Approximately 20
Market engagement activity	19 July 2017	
Promotion of the consultation to the Warwickshire North Delivery Group	9 June – 31 July 2017	
Letter from current providers to current and previous service users, promoting the consultation	9 June – 31 July 2017	110
Promotion of the consultation to all staff at Coventry and Warwickshire Partnership Trust. Activity included links to the survey in 2 e-bulletins to staff, distribution of the postcards and posters	9 June – 31 July 2017	

### **2.2.3. Detail about main consultation methods**

#### **2.2.3.1. Survey**

A survey was developed as an accessible and generic version to support the wide range of potential respondents and was available on the council's Ask Warwickshire webpage. Paper copies of the survey were also made available with prepaid envelopes and ballot boxes, which were distributed to 7 Wellbeing Hubs across Warwickshire for service users, their families and staff to complete.

An email was sent out to all stakeholder organisations and agencies on the first day of the consultation period which included a hyperlink to the on line version of the survey. A telephone line and consultation email address were created for queries and those needing more support.

The survey received 46 responses, where over half (52%) of respondents completed the survey online and the remaining respondents (48%) completed the paper version of the survey.

#### **2.2.3.2. Focus Group**

Public Health Warwickshire asked Grapevine to consult people with a learning disability about proposals to change the way Health Advocacy Services are delivered. Grapevine undertook four consultation sessions involving 24 individuals. Two of the sessions took place in Stratford upon Avon, one was in Leamington Spa and one was in Nuneaton.

Grapevine used materials designed in-house to make the consultation questions easier to understand. This included

- an easy read version of the consultation document, used in group sessions to outline the potential changes to the service and stimulate discussion
- a 'keywords' list that gave easy read explanations of some of the difficult terms in the original document
- re-worded consultation questions so that they would be easier to understand, but still have the information people needed in order to give an answer. For each question in the consultation, Grapevine produced a feedback form that included either a simple tick box list for recording opinions, or an empty speech bubble for noting more detailed responses. The tick box list options were backed up with pictorial prompts from Photo Symbols.

Some who took part in the consultation sessions could read and write, so Grapevine supported them to record their feedback when this was needed.

It was ensured that the focus groups gave rise to a safe place for service users, family, staff and others to express their honest thoughts and feelings around the current service provision for Health Advocacy Services, and what they hoped to see delivered in the future. Commissioners and supporting officers felt this form of

engagement was particularly valuable, and all views were considered as part of creating the service specifications.

#### **2.2.3.3. Market engagement**

Public Health organised two market engagement days to give potential providers of the new service the opportunity to comment on the proposals and ask questions. The days were advertised through CSW-Jets. It was decided to offer individuals appointments, rather than hold a workshop-style event to allow for more detailed discussions to take place with providers. In addition, providers were also able to contribute via completing a market test questionnaire.

#### **2.2.3.4. Stakeholder engagement**

A number of meetings were also attended during the consultation period including Social Care Teams Operational Meeting and CCG Members Engagement Meeting which included local GPs/Practice managers and nurses to raise awareness of the consultation and respond to any specific questions from stakeholders.

#### **2.2.3.5. Mental health forums**

Public Health Warwickshire asked Making Space, mental health service user co-production service, to support with the consultation. Making Space work with individuals with mental health problems, and run mental health service user co-production forums, which are an opportunity for mental health service users to discuss views and opinions in relation to mental health service provision and identify key issues, which are then passed on to commissioners.

Public Health was invited to four forums across Warwickshire: (Nuneaton 11th July 2017, Stratford on Avon 17th July 2017, Rugby 20th July 2017 and Warwick 21st July 2017). Public Health staff and forum attendees discussed the key proposals under consultation and responses were recorded and themed.

### **2.3. Profile of Respondents**

Due to the informal nature of some of the consultation methods, it is not possible to summarise the respondent profile succinctly.

The consultation responses represent the views of around 105 individuals:

- Survey – 46 responses
- Grapevine focus groups – 23 attendees
- Mental health forums – 23 attendees
- Providers – 6 attendees face to face, with 2 organisations submitting online
- Stakeholders – 7 attendees

## 3.0. Results

This consultation report provides further detailed analysis of the responses received during the consultation period together with a set of emerging key messages.

For a full detail of all survey respondent profiles, please see Table 4. The survey received 46 responses in total, of which 35% were from either current or former health advocacy service users. Carers represented 16% of respondents, with health or care professionals/referrers representing 21% of respondents. Members of the public who have not used advocacy services before represented 25% of respondents.

The majority (59%) of respondents were female, with 41% of respondents aged 30-44. 47% of respondents reported that they have a long standing illness or disability, with 87% identifying themselves as White British and 51% recording their religion as Christian. The majority of respondents (77%) reported their sexuality as heterosexual or straight, with a fairly representative geographical profile of respondents (the highest proportion of respondents were from Warwick district (25%), with the lowest proportion from Rugby Borough (9%), reflecting the underlying population sizes).

47% of responses related to all three health advocacy services, with 24% relating specifically to NHS Complaints Advocacy, 18% referring to General Health Advocacy and 12% referring to Independent Mental Health Advocacy.

### 3.1. Survey

The 'Health Advocacy Services (NHS Complaints Advocacy, General Health Advocacy and Independent Mental Health Advocacy)' consultation took place between 9th June and 31st July 2017. The survey received 46 responses, where over half (52%) of respondents completed the survey online and the remaining respondents (48%) completed the paper version of the survey.

#### 3.1.1. Key Messages

- The majority of respondents (81%) were in support of the proposed change to combine the three health advocacy services into one service that would be delivered by one provider (or one partnership of providers). Respondents felt this would reduce confusion, but highlighted that staff would need to have knowledge of all three service areas. Concerns were raised regarding the challenge of managing a potentially very large service.
- Over three-quarters (76%) of respondents agreed that the proposal to combine the three services into one advocacy service would result in the benefits outlined.
- 42% of respondents expressed concern that more flexible waiting times for non-statutory advocacy provision would lead to increased stress amongst non-statutory service users, which may result in people falling through the net and not receiving the help they require. These respondents felt that people in

the community are often the most vulnerable and most in need and that statutory service users should not be prioritised over them.

- The majority of respondents selected all of the suggestions provided to help minimise any negative impacts that may result from more flexible waiting time for non-statutory advocacy service users.
- Nearly all of the respondents (98%) agreed that it would be helpful for Health Advocacy Services and Healthwatch Warwickshire to work more closely together. Respondents felt this was a great idea and questioned why it had not been done before. Concerns were raised amongst a few respondents around staff turnover and competing advocacy services trying to undercut each other for contracts.
- The most popular method for finding out about services was ‘Service leaflets / posters available in health settings (Hospitals, GP surgeries)’ with 61% of all respondents selecting this approach. This was followed by ‘Health professionals telling you about the services as part of your treatment and care planning’ (50%). Some respondents suggested people would not look at County Council websites to find out about services and that professionals need more training and knowledge in order to promote the services.
- Respondents felt more advertisement and awareness of the serviced offered was needed for future advocacy services and that it should be the best service that is commissioned, not the cheapest.

### 3.1.2. Respondents

Details of the respondent profile can be found in Table 1. Nearly half (47%) of all respondents comments related to all of the advocacy services outlined. Over one quarter of respondents (29%) were either current or former advocacy service users.

**Table 4: Respondent Profile for Health Advocacy Consultation**

		Count	%
<b>Gender</b>	Male (including trans man)	18	39%
	Female (including trans female)	27	59%
	Other (including non-binary)	1	2%
<b>Age in years</b>	Under 18	1	2%
	18-29	10	22%
	30-44	19	41%
	45-59	13	28%
	60-74	3	7%
	75+	1	2%
<b>Long standing illness or disability</b>	Yes	20	47%
	No	23	54%
<b>Ethnicity</b>	White – English/ Welsh/ Scottish/ Northern Irish /	39	87%
	White - Irish	2	4%
	Mixed - Any other mixed background	1	2%
	Asian or Asian British - Indian	1	2%
	Black or Black British - African	1	2%

	Black or Black British - Caribbean	1	2%
<b>Religion</b>	Christian	23	51%
	Hindu	1	2%
	Other - please specify	4	9%
	None	12	27%
	Prefer not to say	5	11%
<b>Sexuality</b>	Heterosexual or straight	33	77%
	Gay or lesbian	2	5%
	Bisexual	1	2%
	Prefer not to say	7	16%
<b>District/ Borough</b>	North Warwickshire	7	16%
	Nuneaton & Bedworth	9	21%
	Rugby	4	9%
	Stratford-on-Avon	8	18%
	Warwick	11	25%
	Other	7	16%
<b>Are you...</b>	A current Health Advocacy service user	6	11%
	A former Health Advocacy service user	10	18%
	A member of the public – has not used advocacy services before	14	25%
	A health or care professional/referrer	12	21%
	Someone who looks after or cares for an individual	9	16%
	Other, please state*	6	11%
<b>What service(s) do your comments relate to?</b>	NHS Complaints Advocacy	12	24%
	General Health Advocacy	9	18%
	Independent Mental Health Advocacy	6	12%
	All	24	47%

The following descriptions were given for those selecting the other category:

- A former NHS complaints advocacy user
- Former advocate
- I am a mental health service user
- I am a mental health user in recovery
- Mental Health Service user
- Retired ward sister in MH services

### 3.1.3. Proposals

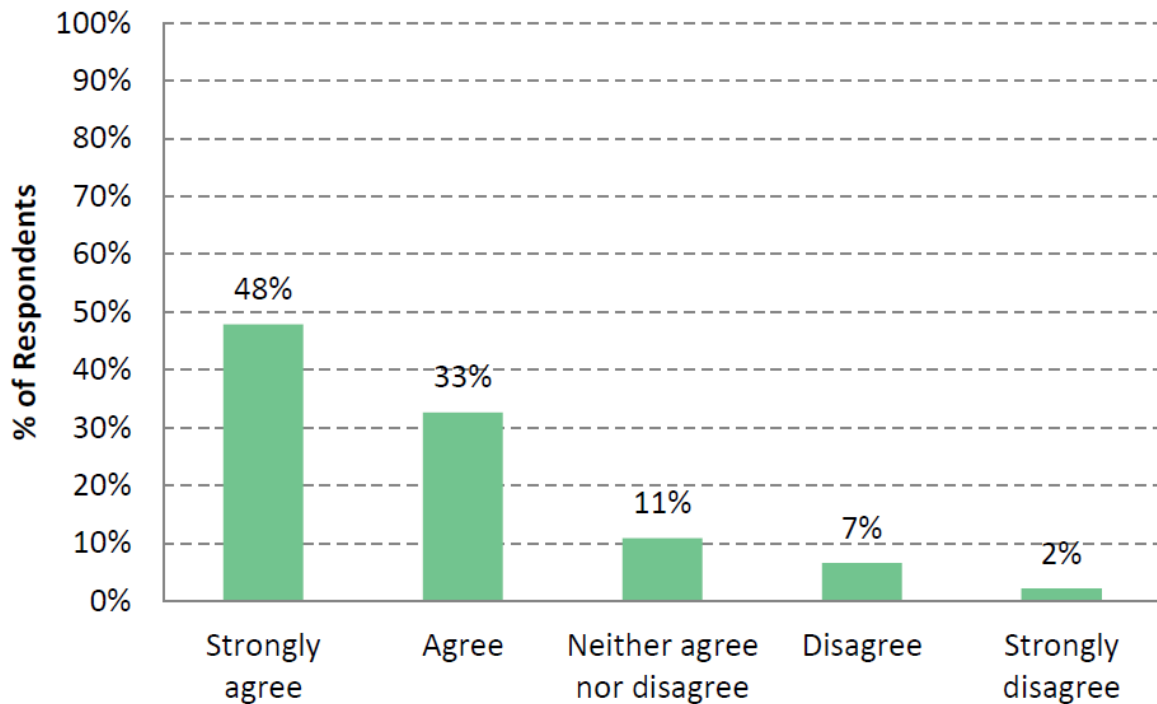
#### 3.1.3.1. Access to Health Advocacy Services

Respondents were given the following information:

*Currently, to access any of the three Health Advocacy Services, you, or your referrer, need to know about and approach the three services separately. We would like to change this so that the three Health Advocacy services are delivered as one service, and delivered by one provider (or a partnership of providers). This model is available in other parts of the country.*

**1a) Do you agree or disagree with the proposed change for the three health advocacy services to be combined into one service that would be delivered by one provider (or one partnership of providers)?**

The majority of respondents (81%) were in support of the proposed change outlined in question 1a (figure 1). Respondents who identified themselves as ‘a member of the public’ were most likely to disagree with the proposal (table 2), though caution should be exercised with these findings given the small base-counts.



**Figure 1: Agreement levels for question 1a**

**Table 5: Levels of agreement by respondent type for question 1a**

	Base count	Strongly disagree	Disagree	Neither agree nor disagree	Agree	Strongly agree
A current Health Advocacy service user	6	0%	0%	0%	50%	50%
A former Health Advocacy service user	10	10%	0%	0%	70%	20%
A member of the public – has not used advocacy services before	14	0%	14%	7%	36%	43%
A health or care professional/referrer	12	0%	0%	17%	33%	50%

Someone who looks after or cares for an individual	9	0%	11%	11%	22%	56%
Other	6	0%	0%	0%	17%	83%

Respondents were asked to add any further comments they may have. The following key themes emerged from the 26 open-ended responses:

#### One service would reduce confusion

Many respondents were in favour of combining the current three advocacy services into one service to be delivered by one provider. Respondents felt this would reduce confusion, increase efficiency, and increase accessibility.

*“There is currently too much confusion amongst the public and also professionals about what services are available, what they do and a great deal of people are missing out on services and too much time wasting referring to wrong service.”*

*“A combined service is better when users changed from detained informal or community, it means that they have continuity and don’t have to see another person in another service when they have built up a rapport and trust with an advocate... ensures that users don’t fall into a gap between services as they often give up on help if the system is too difficult to navigate”*

*“having one amalgamated service would reduce confusion, and aid practitioners to refer to the correct service more easily to enable access to service for clients.”*

#### Staff need to have knowledge of all three service areas

Some respondents whilst in support of combining the three services into one, highlighted that this would only work with adequately trained staff.

*“...provider will need to have specialist knowledge of each of these areas-rather than generic staff with insufficient training and resource.”*

*“...an independent advisor must be available who is aware of the three areas.”*

#### Will it be too big and therefore difficult to manage?

Some respondents were concerned that combining the three services into one would result in too large a service that would be difficult to manage.

*“Putting all three things under one roof has got to be beneficial, as long as its not so big that it cannot be managed correctly.”*



*“Provided standards of service are maintained...”*

*“Too big a workload for one organisation.”*

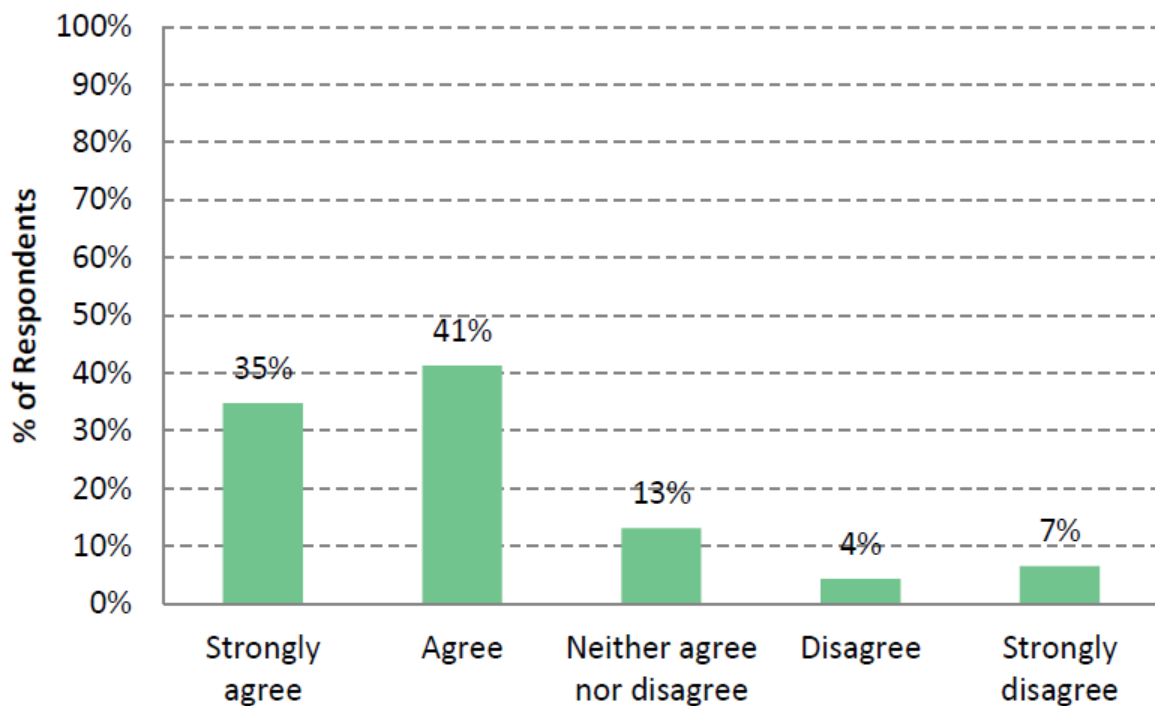
**1b. Do you agree or disagree that our proposal to combine the three services into one advocacy service will result in the benefits outlined?**

Respondents were given the following information:

*We think a combined model might help to:*

- *make it easier for people to know about the services and seek support from them*
- *reduce the need for people to be seen by more than one service provider, as we know that some people need support from more than one health advocacy service*
- *reduce the amount of times that clients have to describe their experiences more than once to different advocates and providers*
- *make our services more efficient and effective for the people who use them*
- *help us to deliver better value for money for the public, from the public purse.*

Over three-quarters (76%) of respondents agreed that the proposal to combine the three services into one advocacy service would result in the benefits outlined (figure 2). Table 3 demonstrates the breakdown of responses by respondent type.



**Figure 2: Agreement levels for question 1b**

**Table 6: Levels of agreement by respondent type for question 1b**

	Base count	Strongly disagree	Disagree	Neither agree nor disagree	Agree	Strongly agree
A current Health Advocacy service user	6	17%	0%	0%	67%	17%
A former Health Advocacy service user	10	20%	0%	0%	60%	20%
A member of the public – has not used advocacy services before	14	0%	7%	21%	36%	36%
A health or care professional/referrer	12	0%	0%	17%	58%	25%
Someone who looks after or cares for an individual	9	0%	11%	0%	56%	33%
Other	6	0%	0%	0%	17%	83%

Respondents were asked to add any further comments they may have. The following key themes emerged from the 14 open-ended responses:

In theory the benefits will be achieved, but we cannot be certain

Though the majority of respondents agreed that the proposal to combine the three services into one service would result in the benefits outlined, some respondents were fearful that it may lead to a lack of local knowledge.

*“Combining services does not necessarily achieve the benefits described. There may be some losses by losing local knowledge.”*

*“Although I agree with the services merging, this should not result in the Advocates themselves losing their knowledge of a particular part of the work by expecting them to work in all areas so that they do not have the depth of knowledge or by using volunteers who may not have the same time or commitment or knowledge of paid employees.”*

*“Combining these into a single service does not ensure quality or effectiveness of the service.”*

3.1.3.2. *Timescales for non-statutory advocacy service*

Respondents were given the following information:

*Individuals who have a statutory right to an advocate (NHS Complaints Advocacy and statutory Independent Mental Health Advocacy IMHA) also have rights to be seen by their advocate within set timescales. We will continue to make sure that the*

*new health advocacy service provider (or partnership) meets the requirements for responding to referrals, and seeing new clients within the statutory guidelines. However, this may mean that individuals who are referred for non-statutory provision (General Health Advocacy and non-statutory IMHA), may have more flexible waiting times as statutory referrals will be prioritised first.*

*Flexible waiting times for non-statutory advocacy services could result in some individuals waiting a longer time period to be seen by an advocate, but it could also mean that some clients will be seen more quickly. For example, if you are an informal inpatient in mental health services, and you approach an advocate on the ward during their ward visits, they may be able to respond to your issue immediately and help you to resolve it. Where individuals have to wait longer we are keen to hear views about what might be helpful during this period, and we have included some suggestions in our consultation questions for consideration.*

**2a. People who are accessing statutory advocacy provision (NHS Complaints Advocacy and statutory Independent Mental Health Advocacy for people sectioned under the Mental Health Act) will be prioritised to receive support. What impact do you think having more flexible waiting times for non-statutory advocacy provision (General Health Advocacy and non-statutory Independent Mental Health Advocacy) might have on individuals using the service? Please add any further comments you may have.**

Over half (67%) of all respondents chose to leave a comment. The following key themes emerged from the 31 open-ended responses:

What about people who have been discharged and are in the community?

A number of respondents were concerned that people in the community would not receive the help they need. Some respondents felt that it was these individuals who were most vulnerable and therefore most in need.

*“When people are discharged from statutory services, they are instantly dropped. So I think it's not fair for people not in statutory services to not get priority.”*

*“The clients who are not priority whose issues cannot be resolved during the advocates visit to the ward may have been discharged by the time the advocate is able to address their issues with them, I am not sure if after referral the advocacy service would visit clients in the community.”*

*“It is very disappointing because there are some people who need this support desperately in the community and they are not prioritised.”*

*“I believe that the non-statutory community service is vital as advocates support people to remain in the community before reaching crisis point and becoming statutory or inpatient. There appear to be more people in the community who are reaching crisis point but unable to access a hospital bed or support for prevention.”*

*“A huge impact for people accessing community based services who needs support, for example adults with a Learning Disability, or Autism, living in the community. With the Transforming Care drive to avoid hospital admission, we would hope that patients will not be on wards, and will therefore not access statutory advocacy. These individuals still desperately need advocacy, for example in helping them to access appropriate care, financial support, and housing, and they will face even longer waiting times and isolation. These individuals are already isolated, vulnerable, and struggle to access or negotiate services. The proposed changes will impact negatively on the most vulnerable people in the community.”*

#### People with mental health issues need to be prioritised

Some respondents agreed that individuals with mental health issues should be prioritised.

*“Patients sectioned on the MHA need to be prioritised to ensure that their rights under legislation to appeal etc are safeguarded.”*

*“More support for mental ill people”*

*“Should alleviate stress for sectioned patients and enable them to voice their concerns more easily.”*

#### This will create stress and stop people from accessing the services they need

Some respondents were opposed to priority being given to people accessing statutory advocacy provision. Reasons for this opposition included the belief that people would fall through the net, and that it would create distress amongst those expected to have more flexible waiting times.

*“Delay causes dispute giving up and not achieving the service needed.”*

*“Each case needs to be assessed on its merits. An individual's personal circumstances can make them much more vulnerable than another person in a more favourable overall situation regardless of fitting into simple statutory criteria.”*

*“I think people can be prioritised based on need more a combined model.. It's sometimes difficult for users to hear that they can't get help from the advocate who is helping someone else because they have to access a different service.”*

*“Lower priority - longer waits, more frustration, for non-priority individuals. Ultimately will they lose the service altogether?”*

*“This may lead to frustration and anxiety for some clients. A prospective timescale should be provided as far as possible.”*

*“The impact will be people waiting longer for advocacy and not getting a service at all.”*

**2b. Would any of the following suggestions help to minimise any negative impacts? Select all that apply**

Table 4 shows that the majority of respondents selected all of the suggestions provided. Over three quarters (76%) of respondents selected ‘Better service promotion so that people are referred into the non-statutory service earlier and before reaching a crisis point’ as a suggestion to help minimise any negative impacts resulting from more flexible waiting times for non-advocacy provision.

There was little variation to this question based on the respondent type (table 5).

**Table 7: Number of responses received for each option in question 2b**

	Count	% of respondents selecting this option
<i>Better service promotion so that people are referred into the non-statutory service earlier and before reaching a crisis point</i>	35	76%
<i>Increased knowledge of the Health Advocacy Services by health, social care and other professionals so that they refer or signpost</i>	34	74%
<i>Making self-referral routes available so that people don't have to wait for a professional to make a referral</i>	33	72%
<i>Providing toolkits and other self-help information to support people to self-advocate whilst they are waiting for an advocate from the</i>	29	63%
<i>Regular updates and contact from the advocacy provider about when the advocacy service will commence, so people are not left</i>	29	63%
<i>Advocacy Service volunteers making contact with the client/keeping in touch with the client to understand any changing circumstances</i>	28	61%
<i>Other, please state:</i>	11	24%

The following suggestions were provided by respondents who selected ‘Other’ to question 2b:

- *“Communication and promote self-help by boosting knowledge and confidence”*
- *“Have used self-referral at Warwick Hospital. It worked well”*
- *“I think they have the knowledge but not the time to educate”*
- *“Mine keep in regular contact with each other”*
- *“Not sure what are the 'suggestions'!!”*
- *“Please do not promote unless you have invested enough money to provide enough advocacy time”*
- *“Self-referral may result in people who are able to speak up for themselves asking for help and taking the time of advocates that should be given to*

patients who are more seriously ill unless a lot more money for advocacy is available so that all patients can be reached”

- “The statutory NHS and independent advocacy are both required to help mental service users”

**Table 8: Number of responses received for each option in question 2b by respondent type**

	A current Health Advocacy service user (n=6)	A former Health Advocacy service user (n=10)	A member of the public – has not used advocacy services before (n=14)	A health or care professional /referrer (n=12)	Someone who looks after or cares for an individual (n=9)	Other (n=11)
	Count and % of cohort selecting this option	Count and % of cohort selecting this option	Count and % of cohort selecting this option	Count and % of cohort selecting this option	Count and % of cohort selecting this option	Count and % of cohort selecting this option
<i>Better service promotion so that people are referred into the non-statutory service earlier and before reaching a crisis point</i>	5 (83%)	5 (50%)	11 (79%)	12 (100%)	7 (78%)	5 (45%)
<i>Increased knowledge of the Health Advocacy Services by health, social care and other professionals so that they refer or signpost people to services earlier</i>	5 (83%)	6 (60%)	9 (64%)	11 (92%)	8 (89%)	5 (45%)
<i>Making self-referral routes available so that people don't have to wait for a professional to make a referral</i>	5 (83%)	8 (80%)	9 (64%)	10 (83%)	8 (89%)	3 (27%)
<i>Providing toolkits and other self- help information to support people to self-advocate whilst they are waiting for an advocate from the service provider/partnership</i>	5 (83%)	6 (60%)	8 (57%)	10 (83%)	8 (89%)	3 (27%)

<i>Regular updates and contact from the advocacy provider about when the advocacy service will commence, so people are not left waiting indefinitely</i>	4 (67%)	6 (60%)	10 (71%)	10 (83%)	7 (78%)	3 (27%)
<i>Advocacy Service volunteers making contact with the client/keeping in touch with the client to understand any changing circumstances</i>	4 (67%)	6 (60%)	9 (64%)	9 (75%)	6 (67%)	3 (27%)
<i>Other</i>	0	1 (10%)	4 (29%)	1 (8%)	4 (44%)	3 (27%)

### 3.1.3.3. Partnership working with Healthwatch

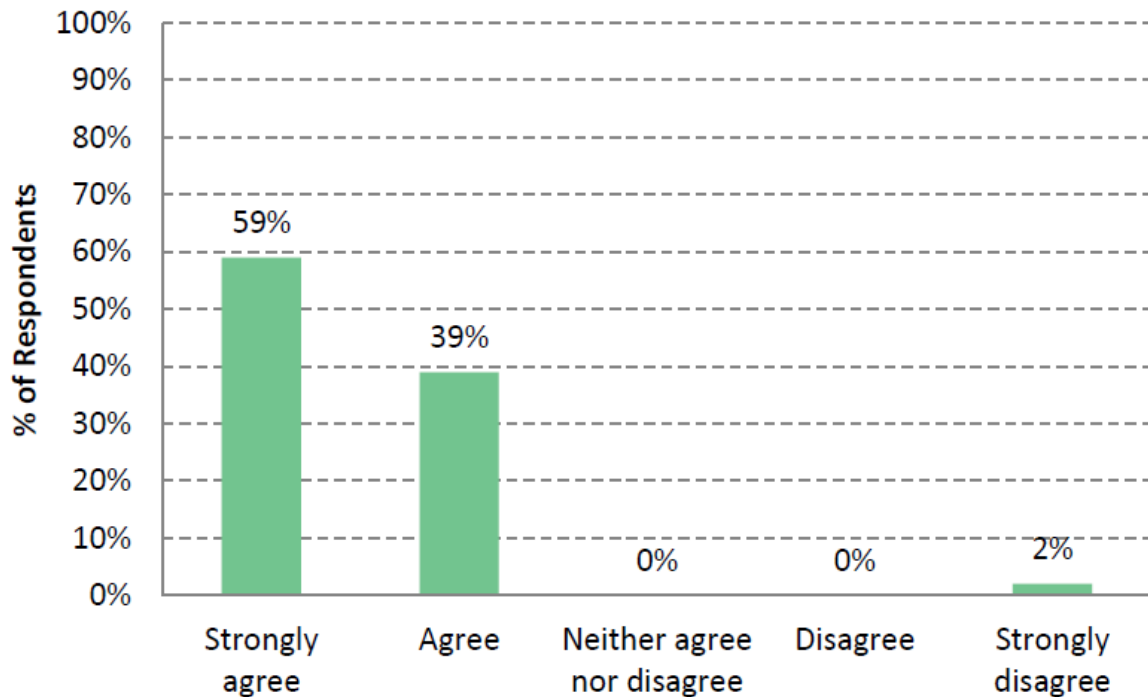
Respondents were given the following information:

*‘Through working with their clients, Health Advocacy services get to know a lot about what is working well with our NHS health services, and what could be improved. We think that this collective knowledge could be better used to help improve our local health services, particularly by sharing themes and trends with our local Healthwatch service. We are therefore proposing to create a stronger partnership between our local Health Advocacy Services and our local Healthwatch service. Healthwatch is a statutory service and it exists to be the consumer champion for accessing local health and social care services.*

*We are not proposing that any personal information about any of the clients that the Health Advocacy Services or Healthwatch service works with is shared. It would only involve the providers discussing themes and trends that people are facing with health services locally, so that Healthwatch can champion for improvements to be made. We hope that a stronger partnership will also result in Healthwatch making more referrals to the Health Advocacy Services.’*

**3a. Do you agree or disagree that it would be helpful for Health Advocacy Services and Healthwatch Warwickshire to work more closely together, sharing trends and themes on emerging common issues, and promoting more referrals from Healthwatch to Advocacy Services?**

Nearly all of the respondents (98%) agreed that it would be helpful for Health Advocacy Services and Healthwatch Warwickshire to work more closely together (figure 3). Only one respondent disagreed with this proposal, and they identified themselves as a former advocacy service user.



**Figure 3: Agreement levels for question 3a**

Respondents were asked to add any further comments they may have. The following key themes emerged from the 10 open-ended responses:

This is a great idea, why hasn't it been done before?

Respondents supported this proposal and questioned why it had not been done before.

*"Why hasn't this been done before?"*

*"It sounds essential - why is this not already happening??"*

It's a great idea, but I have a few concerns

Some respondents, whilst in support of this proposal, did have some concerns.

*"Closer coordination always makes sense. One problem can be turnover of staff and then someone can easily 'drop the ball'."*

*"Identifying common issues and trends is a good idea, however smaller and obscure issues are important to the client as well and I would be concerned if services were provided that excluded smaller issues in favour of bigger ones"*

*"There is too much waste with competing organisations for advocacy trying to undercut each other and contracts/tenders changing every few year with set up and*



run down times at each end also creating more confusion for the public and referrers.”

### 3.1.3.4. Service Promotion and Marketing

Respondents were given the following information:

*We would like to do more to make sure that people who need Health Advocacy Services know about them and can access them easily at the appropriate time.*

#### **4a. The following list describes some of the ways that these services could be promoted – please tick your top three preferred ways to find out about these services**

The most popular method for finding out about services was ‘Service leaflets / posters available in health settings (Hospitals, GP surgeries)’ with 61% of all respondents selecting this approach (Table 6). This was followed by ‘Health professionals telling you about the services as part of your treatment and care planning’ (50%). Preference did not appear to be influenced by respondent type (table 7).

**Table 9: Number of responses received for each option in question 4a**

	Count	% of respondents selecting this option
<i>Service leaflets / posters available in health settings (Hospitals, GP surgeries)</i>	28	61%
<i>Information on the advocacy service provider web-sites</i>	8	17%
<i>Information on the County Council web-site</i>	7	15%
<i>Information on health service web-sites (hospitals, GPs, Clinical Commissioning Groups)</i>	8	17%
<i>Health professionals telling you about the services as part of your treatment and care planning</i>	23	50%
<i>Other staff telling you about the services (eg Healthwatch, charities and voluntary sector organisations).</i>	13	28%
<i>Opportunities to speak to the advocacy service providers informally (e.g. if they attended health events or held drop-ins in hospital settings)</i>	16	35%
<i>All of the above</i>	14	30%
<i>Other, please state:</i>	7	15%

The following suggestions were provided by respondents who selected ‘Other’ to question 4a.

- *‘Postal communication automatically to anyone in the system’*
- *‘Wellbeing hubs across North Warwickshire’*
- *‘Advertising on tv ,local radio and news paper’s*

- *‘Make it easily found on the internet via say google. It does not matter whose website it is on i.e. professional. Search optimisation’*
- *‘This is a big job! Health professionals and social care staff do not know what their responsibilities are, we are very confused about advocacy’*
- *‘TV and radio adverts, targeted mailings’*

**Table 10: Number of responses received for each option in question 4a by respondent type**

	A current Health Advocacy service user (n=6)	A former Health Advocacy service user (n=10)	A member of the public – has not used advocacy services before (n=14)	A health or care professional /referrer (n=12)	Someone who looks after or cares for an individual (n=9)	Other (n=11)
	Count and % of cohort selecting this option	Count and % of cohort selecting this option	Count and % of cohort selecting this option	Count and % of cohort selecting this option	Count and % of cohort selecting this option	Count and % of cohort selecting this option
Service leaflets / posters available in health settings (Hospitals, GP surgeries)	4 (67%)	6 (60%)	9 (64%)	7 (58%)	6 (67%)	4 (67%)
Information on the advocacy service provider websites	2 (33%)	3 (30%)	3 (21%)	3 (25%)	1 (11%)	0
Information on the County Council website	2 (33%)	3 (30%)	1 (7%)	5 (42%)	1 (11%)	0
Information on health service websites (hospitals, GPs, Clinical Commissioning Groups)	1 (17%)	1 (10%)	3 (21%)	2 (17%)	0	0
Health professionals telling you about the services as part of your treatment and care planning	3 (50%)	4 (40%)	9 (64%)	6 (50%)	4 (44%)	4 (67%)

Other staff telling you about the services (eg Healthwatch, charities and voluntary sector organisations).	1 (17%)	2 (20%)	4 (29%)	4 (33%)	4 (44%)	2 (33%)
Opportunities to speak to the advocacy service providers informally (e.g. if they attended health events or held drop-ins in hospital settings)	2 (33%)	3 (30%)	5 (36%)	6 (50%)	3(33%)	1 (17%)
All of the above	3 (50%)	4 (40%)	4 (29%)	4(33%)	2 (22%)	1 (17%)
Other, please	0	1 (30%)	2 (14%)	3 (25%)	4 (44%)	1 (17%)

Respondents were asked to add any further comments they may have. The following key themes emerged from the 11 open-ended responses:

#### People won't look at County Council websites

A couple of respondents suggested people would not look at County Council websites, and that not everyone has the skills or resources to access such sites.

*"Not everyone has access to a computer, the skills to use a computer or if they are unwell may not have the concentration/ cognitive functioning. Most people would not know to look on council websites etc"*

*"I don't think people would naturally look at County Council websites or advocacy provider website - unless specifically looking for that"*

#### Professionals need more training and knowledge in order to promote the services

A couple of respondents felt that professionals lacked the knowledge to promote advocacy services.

*"A lot of the problem is that health and social care professionals do not know what their duty is under MHA and MCA and Care At. They need training first before that are able to inform the public"*

*"Many people do not receive the support they need because health and social care professionals are ignorant of their obligations and when they try to obtain an*

*advocate, confused about which advocate and which service does what and therefore people are missed and time wasted”*

### 3.1.3.5. Any other comments

*Is there anything else you feel is important for us to know to help shape how these three Health Advocacy Services are delivered in the future?*

The following key themes emerged from the 13 open-ended responses:

#### There needs to be more advertising and awareness of the services offered

A few respondents suggested advocacy services required more advertisement and universal awareness.

*“I like the idea of an advocate visiting healthcare settings on set days, this makes the service accessible to clients and reinforces the existence of the service to health care professionals. Having worked in a ward where an advocate came on a weekly basis I found the services were well used as the clients and staff knew the advocate was coming and so the service was in the forefront and on staff’s toolkit”*

*“Increased awareness/promotion of and access to services, joined-up service provision and efficient, timely service delivery will improve outcomes for local people.”*

*“A universal awareness about them all” “Better advertising of these services.”*

#### The best service needs to be commissioned, not the cheapest

Some respondents felt competition to win contracts resulted in inadequate advocacy services, with the focus being on making the service cheap, rather than effective.

*“The current advocacy services tick boxes and provide statistics but due to competing forces and demands they are cut to a minimum and are not able to offer the sort of service that may prevent the ‘revolving door’ issue with patients because they are juggling with the numbers of people they meet with and spend time with trying to fit into ‘boxes’ and meet criteria placed upon them by the commissioners of the services.”*

*“There is far too much competition between the advocacy services to drive down their bid to win the contract and cut corners. Their reports to you do not tell the full story. There is too much emphasis placed on this by commissioners. As a result there are advocates who have not received any pay rise for some years...I have worked closely with Advocates and their morale is very low. They feel that they are not supporting their clients as they should. Their mental health is suffering due to*

*these tight reporting contracts which the local authority would not expect of their own staff. Put standards in the contract to monitor this!"*

## 3.2. Grapevine Focus Groups

### 3.2.1. Respondent profile

Table 11: Respondent profile of Grapevine focus groups

		Count	%
<b>Gender</b>	Male (including trans man)	16	70%
	Female (including trans female)	7	30%
	Other (including non-binary)	0	0%
<b>Age in years</b>	Under 18	0	0%
	18-29	6	26%
	30-44	10	42%
	45-59	5	22%
	60-74	2	7%
	75+	0	0%
<b>Long standing illness or disability</b>	Yes	23	100%
	No	0	0%
<b>Ethnicity</b>	White – English/ Welsh/ Scottish/ Northern Irish /	21	91%
	White - Irish	1	4%
	Mixed - Any other mixed background	0	0%
	Asian or Asian British - Indian	1	
	Black or Black British - African	0	0%
	Black or Black British - Caribbean	0	0%
<b>Religion</b>	Christian	16	70%
	Sikh	1	4%
	None	6	26%
<b>Sexuality</b>	Heterosexual or straight	15	65%
	Gay or lesbian	0	4%
	Bisexual	1	4%
	Prefer not to say	5	22%

### 3.2.2. Summary

- The majority of the people consulted agree that it is a good idea to merge the three advocacy services into one and that this will result in a better service over all.
- However, there was some unease about how the change would affect access to the service. Of particular concern was the prospect of longer waiting times for non-statutory advocacy, and specifically General Health Advocacy. Most people said that all the suggested ways of helping people while they are waiting should be implemented.

- The idea of linking Healthwatch more closely to Health Advocacy services was very popular.
- People said that the best ways to share information about the service are leaflets or posters in health care settings and face to face meetings with health professionals or Health Advocates.

*NB the number of people who gave a particular response is noted in brackets below. Some people chose not to answer all of the questions.*

**1 a ‘In the future, the three advocacy services could be joined into one. Do you think this is a good idea?’**

- Most people either strongly agreed (6) or agreed (5) with this idea. Some of the reasons they gave were that merging the services might save money; having the services in one place would make them more accessible; there would be a single standard for the advocacy service; and it would take less time to make arrangements to use the service.
- Three people said they neither agreed nor disagreed with the idea. One of these people explained the reason for this response was that they were not clear on how the service would work.
- Some people disagreed (6) or strongly disagreed (1). They were worried that the change would mean fewer people will be able to use the service if there are reductions in funding and staffing levels. One person said they feared that people with a learning disability will not get enough help and advice in a single service.

**1b: ‘Do you think joining the three advocacy services together will make a better service over all?’**

- A majority of people said that they strongly agreed (9) or agreed (4) with this idea (“Because it is a good thing and it will make...life feel a lot better...”; “Because it will make a better offer of chances to people with mental health issues”)
- Three people said they neither agreed nor disagreed. One of these people said they were not sure how the service would work in terms of funding, staffing and location. The person was concerned that people could lose their jobs and commented that the ideas were “a lot to take on board”.
- Two people disagreed and two strongly disagreed. The people who disagreed expressed concerns about cuts to funding and staffing and longer waiting times. They were worried that people might lose access to specialist advocacy support, for example, around mental health problems. People also felt that those who need general advocacy might be ‘sidelined’ or have to wait

longer for support unless they make a complaint. Some people with a learning disability would need help to understand how to make a complaint.

**2a 'People who are having support from the statutory elements of the service will be seen first. This means it could take longer for people who need support from the non-statutory elements to be seen. What do you think about this?'**

- The feedback to this question showed that people were troubled by the prospect of longer waiting times for General Health Advocacy/non-statutory provision. They felt that there were issues around fairness and equality of access to the service and they were concerned about the impact of waiting times on people's wellbeing ("Really not fair! People will become worried and anxious"; "This is not fair...why should they have to wait longer? They may need help ASAP"; "[It will] Make people more poorly. Block more beds up"; "Lack of communication between NHS and patient – advocacy could address this").
- One person said they thought it was a "good idea to see people with mental health [problems] quicker", but this might cause "frustration for other people [who are] waiting".

**2b 'Joining the three Health Advocacy Services together may mean that some people need to wait for an advocate. Do you think any of these things may help these people?'**

- Most people felt that all the suggestions in the tick box list would help people. Some people said they did not think it would help if people could make their own referrals. Some also said keeping in touch with people to see if anything has changed or to let them know when they will be seen would not help.

**3 'Do you think it is a good idea for Health Advocacy Services and Healthwatch Warwickshire to work more closely together?'**

- A clear majority of people said that they strongly agreed (11) or agreed (6) with this idea. These people felt that more 'team working' might help the service run smoothly. They suggested that more people will hear about the service because Healthwatch will help to share information. There was also a feeling that if there were any problems with the service, Healthwatch would be in a better position to find out about them and help resolve them.
- Two people were unsure about the idea; one person disagreed and one strongly disagreed. These people did not record any reasons for their opinions.

**4 'We would like to do more to make sure that people who use Health Advocacy Services know about them and get them when they need them. Tick the top three ways you would like to find out about the service'.**

- The joint top three most popular ways of finding out about the service were:
  - Leaflets / posters in hospitals and GP surgeries
  - Health professionals telling you about the service as part of your treatment and care planning
  - Face to face meetings or drop-in sessions with the Health Advocacy provider
- Nobody suggested any additional ways of finding out information other than the ones given in the tick box list.

**5 'Is there anything else you want to say about joining the three Health Advocacy Services together?'**

- Of the seven responses to this question, four were broadly positive (“Give it a try, worth giving it a go”; “I think it’s a good idea”; “Hope people with LD have a good service”; “The nurses help you”).
- Two responses expressed concern about the possible effects of changes (“I think it’s alright but it means jobs will go and there will be cuts”; “Ensure it doesn’t mean staff cuts!”)
- One person suggested that “a complaints service would be useful”.

### **3.3. Mental health forums**

The forums included 21 service users and 2 co-production staff. Table 12 summarises the key themes that emerged against each of the key consultation proposals.



Table 12: Key themes from mental health forums

Service proposal	Key themes
<b>Combining three contracts into one contract</b>	<ul style="list-style-type: none"> <li>• General agreement that combining the three contracts would:               <ul style="list-style-type: none"> <li>○ Simplify the referral pathway</li> <li>○ Prevent confusion</li> </ul> </li> <li>• However, some comments referred to:               <ul style="list-style-type: none"> <li>○ Concerns about impact on staff workload</li> <li>○ Concerns over perceived lack of provision in the North</li> <li>○ Working hours - shouldn't be 9-5</li> <li>○ Wide spectrum of services - could one provider realistically do all 3?</li> </ul> </li> </ul>
<b>Service promotion</b>	<ul style="list-style-type: none"> <li>• Suggestions promotional methods included:               <ul style="list-style-type: none"> <li>○ Linking with the CAVA Directory</li> <li>○ More outreach work by Advocacy staff</li> <li>○ Information should be provided on discharge from hospital</li> <li>○ Promotion in GP surgeries</li> <li>○ Structured education for GPs</li> <li>○ Information to be provided online</li> </ul> </li> <li>• There was also agreement about the need for more clarity for professionals on provision, referral, eligibility etc.</li> </ul>
<b>Links with Healthwatch</b>	<ul style="list-style-type: none"> <li>• Individuals were generally supportive of the proposed plan to develop the partnership with Healthwatch</li> <li>• The link to Healthwatch provision needs to be clearer as some individuals think they provide advocacy</li> </ul>
<b>Flexible waiting times</b>	<ul style="list-style-type: none"> <li>• Agreement that prioritisation would be effective and appropriate</li> </ul>

### 3.4. Market engagement

Three organisations requested to attend the market engagement day on 19 July 2017, with two further organisations responding to the market testing questionnaire.

Table 13 summarises the key themes that emerged against each of the key consultation proposals.

Table 13: Key themes from market engagement

Service proposal	Key themes
<p><b>Combining three contracts into one contract</b></p>	<ul style="list-style-type: none"> <li>• Providers were in agreement with combining the three services into one integrated service.</li> <li>• Agreement that combining the three contracts would result in the following positives:               <ul style="list-style-type: none"> <li>○ Seamless access for service users, continuity</li> <li>○ Integration</li> <li>○ Clients will tell their story once</li> <li>○ One easy point of contact</li> <li>○ More efficient triage</li> <li>○ Better value for money – resource allocation, cost-base, more efficient</li> <li>○ 1 service manager – to allocate clients to relevant advocates – triage</li> <li>○ Opportunity for a partnership/consortium approach</li> <li>○ Utilise volunteers more</li> </ul> </li> <li>• Highlighted risks included:               <ul style="list-style-type: none"> <li>○ TUPE</li> <li>○ Disparate staff team</li> <li>○ Careful management of transition</li> <li>○ Practicalities around co-commissioning</li> </ul> </li> </ul>
<p><b>Service promotion</b></p>	<ul style="list-style-type: none"> <li>• Usage of community hubs would be beneficial for drop in sessions to help promote awareness in the community</li> <li>• Consider how you shape the message to describe what advocacy is</li> <li>• Comms/messaging should be tested by service users</li> <li>• Be targeted</li> <li>• Use a range of methods</li> <li>• Have an engagement protocol with other services</li> <li>• Service needs to be visible to NHS staff</li> <li>• Include time for marketing and awareness raising in the specification</li> <li>• Providers to consider ways to engage with very hard to reach</li> <li>• Use volunteers</li> </ul>
<p><b>Links with Healthwatch</b></p>	<ul style="list-style-type: none"> <li>• Agreement that strengthening links with Healthwatch would result in the following positives:               <ul style="list-style-type: none"> <li>○ Aligned offer that does not duplicate - particular linkages with NHS Complaints</li> <li>○ Can pick up on emergent issues/trends – positive and negative</li> <li>○ Potential for joint working on projects</li> </ul> </li> <li>• The following risk was identified:               <ul style="list-style-type: none"> <li>○ If there is not clarity of roles between Healthwatch and advocacy, clients can be confused.</li> </ul> </li> </ul>
<p><b>Flexible waiting times</b></p>	<ul style="list-style-type: none"> <li>• Agreement that flexible waiting times could be effectively managed through:               <ul style="list-style-type: none"> <li>○ Referral management policies and procedures based</li> </ul> </li> </ul>

- on the needs of individuals – structured approach
- Prioritisation of referrals based on individual circumstances and needs
- Could evaluate this after certain period to ensure working well
- The following potential risks were highlighted:
  - Need to be effective management
  - Be clear on referral pathways - professional only or is self- referral available for all elements, or only some
  - Contingencies needed

### 3.5. Stakeholder engagement

7 social workers were involved with the consultation work. Key themes that emerged against the proposals under consultation are summarised in 4.

Table 14: Key themes from consultation with Social Workers

Service proposal	Key themes
<b>Combining three contracts into one contract</b>	Teams thought a single point of entry would be very useful
<b>Timescales for responses</b>	<p>Teams felt that a decision tool would be helpful to aid correct referrals into the range of advocacy provision, and to clarify overlap between different advocacy provision.</p> <p>To help with referral management, teams requested an option to include standard or urgent referral option to be included on the form</p>
<b>Healthwatch</b>	No views expressed.
<b>Service promotion</b>	<p>Suggestions promotional methods included: advocates attending duty meetings, MDT meetings, conversations direct with the Senior Discharge Nurse.</p> <p>Social work teams were not aware of all the eligibility and referral criteria and different response times. Needs to be simplified.</p> <p>Non-statutory advocacy, particularly General health Advocacy needs to be promoted more to teams so that they are aware of these.</p>
<b>Other issues raised</b>	<p>Teams would like for consideration to be given to online secure referral routes.</p> <p>Include some time in the new specification for advocates to attend evening meetings</p>

Clarify for teams whether clients going through Continuing healthcare assessment review are eligible to use NHS Complaints advocacy

## 4.0. Conclusion and next steps

### 4.1. Conclusion

Through analysing both the questionnaire responses and the feedback received through the face to face engagement mechanisms there were a number of common overarching themes which emerged during the course of the consultation. These included:

- **Combining three contracts into one contract**
  - The vast majority of respondents agreed with the proposal to combine the three services into one advocacy service, as this would result in the following benefits:
    - Simplified referral pathway
    - Reduced confusion amongst service users and professionals about the different types of advocacy
    - More efficient triage
    - Better value for money
    - Service users will only have to tell their story once
  - However, respondents expressed some concerns, as follows:
    - Combining the services under one contract would result in a wide spectrum of services - could one provider realistically do all 3?
    - Challenge of managing a potentially large service may be challenging
    - Staff issues, including TUPE, disparate staff teams, staff potentially needing to have knowledge of all three advocacy areas, impact on staff workload
- **Service promotion**
  - There was general agreement that more advertising and promotion of the services is needed
  - The most popular methods of promotion included: service leaflets/posters available in health settings, health professionals telling you about the service
  - There was agreement that professionals (potential referrers) need more training and knowledge around the different services, eligibility and referral criteria and different response times
  - There was the suggestion that Advocates should attend duty meetings and/or MDT meetings
  - There was agreement that more outreach work by Advocacy staff, for example drop-in sessions in in community hubs would be beneficial
- **Links with Healthwatch**
  - Individuals were generally supportive of the proposed plan to develop the partnership with Healthwatch. It was felt that this would strengthen both services through picking up of emergent trends in health services

- Suggestions for partnership working included: co-location, joint working on projects
- There was agreement for the link to Healthwatch needing to be clearer, as some individuals think they provide advocacy. Clarity over purpose would reduce duplication of provision.
- **Flexible waiting times**
  - The flexible waiting times issue was the most contentious in all methods of engagement
  - The majority of respondents selected all of the suggestions provided to help minimise any negative impacts that may result from more flexible waiting time for non-statutory advocacy service users
  - Prioritise based on individual circumstances and needs
  - They felt that there were issues around fairness and equality of access to the service and they were concerned about the impact of waiting times on people's wellbeing
  - 42% of respondents expressed concern concerned that more flexible waiting times for non-statutory advocacy provision would lead to increased stress amongst non-statutory service users, which may result in people falling through the net and not receiving the help they. These respondents felt that people in the community are often the most vulnerable and most in need and that statutory service users should not be prioritised over them.
  - Need to ensure systems and protocols are in place e.g. for wait lists – managed effectively
  - Be clear on referral pathways - professional only or is self- referral available for all elements, or only some
  - Request a referral management policy based on the needs of individuals – structured approach

Following collation and analysis of all responses received there was an overall general consensus from respondents who strongly agreed with the majority of the service principles. This consensus was then further reinforced through respondents' comments providing qualitative insight which has been used to further shape and influence the proposed service model.

## **4.2 Next Steps**

This Consultation Report will be used to support the report which the council's cabinet members will consider when approving the proposed new service model. The report will also be made available via the Ask Warwickshire webpage providing feedback to all those who participated in the consultation process.

Warwickshire County Council, Public Health would like to thank all those who participated in the Consultation process, whether it was through attending one of our face to face events, or through completing the questionnaire.

## **APPENDIX 3**

# **EQUALITY IMPACT ASSESSMENT/ ANALYSIS (EqIA)**

## **Public Health Advocacy Services:**

**Warwickshire County Council**

**Independent Mental Health Advocacy.**

## Equality Impact Assessment/ Analysis (EqIA)

<b>Group</b>	<b>Communities</b>
<b>Business Units/Service Area</b>	<b>Public Health</b>
<b>Plan/ Strategy/ Policy/ Service being assessed</b>	<b>Public Health Advocacy Services:</b> NHS Complaints Advocacy, General Health Advocacy, Independent Mental Health Advocacy.
<b>Is this is a new or existing policy/service?</b>  <b>If existing policy/service please state date of last assessment</b>	Existing Service
<b>EqIA Review team – List of members</b>	Paula Mawson Catherine Rigney
<b>Date of this assessment</b>	First assessment: August 2016 Updated: September 2017
<b>Signature of completing officer (to be signed after the EqIA has been completed)</b>	Paula Mawson
<b>Are any of the outcomes from this assessment likely to result in complaints from existing services users and/ or members of the public?</b> If yes please flag this with your Head of Service and the Customer Relations Team as soon as possible.	<b>YES/ NO</b>
<b>Name and signature of Head of Service (to be signed after the EqIA has been completed)</b>	John Linnane
<b>Signature of GLT Equalities Champion (to be signed after the EqIA is completed and signed by the completing officer)</b>	Phil Evans

**A copy of this form including relevant data and information to be forwarded to the Group Equalities Champion and the Corporate Equalities & Diversity Team**





## Form A1

### INITIAL SCREENING FOR STRATEGIES/POLICIES/FUNCTIONS FOR EQUALITIES RELEVANCE TO ELIMINATE DISCRIMINATION, PROMOTE EQUALITY AND FOSTER GOOD RELATIONS



High relevance/priority



Medium relevance/priority



Low or no relevance/ priority

**Note:**

1. Tick coloured boxes appropriately, and depending on degree of relevance to each of the equality strands
2. Summaries of the legislation/guidance should be used to assist this screening process

Business Unit/Services:	Relevance/Risk to Equalities																										
	Gender			Race			Disability			Sexual Orientation			Religion/Belief			Age			Gender Reassignment			Pregnancy/ Maternity			Marriage/ Civil Partnership (only for staff)		
State the Function/Policy /Service/Strategy being assessed:	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
NHS Complaints Advocacy	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
General Health Advocacy	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Independent Mental Health Advocacy	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>These have been marked as low relevance, as Advocacy services meet the needs of the whole population, and particularly those from the protected or vulnerable groups. Therefore there is no negative or detrimental risk to the protected characteristics.</p> <p>Are your proposals likely to impact on social inequalities e.g. child poverty for example or our most geographically disadvantaged communities? <b>If yes please explain how.</b></p> <p>Public Health funds three Advocacy Services to enable some of the most vulnerable people living in Warwickshire to be aware of and protect their rights whilst receiving NHS funded health care. Two of the services are statutory services: NHS Complaints and Independent Mental Health Advocacy (helps to support and protect people on statutory mental health act sections in-hospital). As such, all of these services impact on social inequalities. General Health Advocacy is targeted to individuals with particularly</p>																								<b>YES</b>			

<p>complex needs who need additional support to voice their needs, particularly at the point of discharge from hospital.</p>	
<p>Are your proposals likely to impact on a <b>carer</b> who looks after older people or people with disabilities? <b>If yes please explain how.</b></p> <p>By continuing to fund and commission these services, carers will be assured that their family members have access to support to enable them to exercise their rights and be heard in relation to their treatment, care or complaints, thus supporting carers.</p>	<p><b>YES</b></p>

**Form A2 – Details of Plan/ Strategy/ Service/ Policy**

**Stage 1 – Scoping and Defining**

(1) What are the aims and objectives of Plan/Strategy/Service/Policy?

Public Health funds three Advocacy Services which are complimentary to those funded and commissioned via the People Group:

NHS Complaints Advocacy is a statutory service which local authorities have responsibility for the commissioning of. Its purpose is to support individuals who wish to make and resolve a complaint about healthcare provided or funded by the NHS.

General Health Advocacy is a non-statutory service that is targeted to individuals with particularly complex needs, including people with physical disabilities or learning disabilities, who are receiving health services. Its purpose is to enable individuals who would find it difficult to communicate their needs, to be involved in planning their care, treatment or discharge.

Independent Mental Health Advocacy (IMHA) is focused on people receiving mental health treatment. Statutory IMHA is commissioned for people who are detained under certain sections of the Mental Health Act, and it exists to enable people to understand the legal provisions that they are subject to and the rights and entitlements they are entitled to whilst they are detained. This element of provision is enhanced with two non-statutory elements: In-hospital IMHA which is available to all mental health in patients to enable them to express their views and participate in their care / treatment planning and discharge, and Community IMHA which is available to people receiving mental health treatment in community settings who require support and safeguards in order to remain within the community and become as independent as possible.

The savings plans outlined in the OOP2 should all be achievable through service re-design and re-alignment to achieve efficiencies, which will be achieved through a competitive tender process, and as such it is not expected that availability or access to services will change for service users. Providers will be expected to develop a service transition plan as part of their tender documents, which will include reference to access

	into the service and contingencies in relation to all groups for if access to service changes. This will be monitored as part of contract management.
(2) How does it fit with Warwickshire County Council's wider objectives?	The services contribute to 3 of the County Council's outcomes: <ul style="list-style-type: none"> <li>• Our communities and individuals are safe and protected from harm and are able to remain independent for longer</li> <li>• The health and wellbeing of all in Warwickshire is protected</li> <li>• Resources and services are targeted effectively and efficiently whether delivered by the local authority, commissioned, or in partnership</li> </ul>
(3) What are the expected outcomes?	Patients accessing NHS funded or provided healthcare will feel supported to: <ul style="list-style-type: none"> <li>• contribute to their care, treatment or discharge planning;</li> <li>• be aware of their rights and entitlements whilst detained under the mental health act</li> <li>• make and resolve a complaint about NHS funded healthcare</li> </ul>
(4) Which of the groups with protected characteristics is this intended to benefit? (see form A1 for list of protected groups)	All people with protected characteristics should benefit from opportunities to access advocacy services. This will be demonstrated by using inclusive eligibility criteria.
<b><u>Stage 2 - Information Gathering</u></b>	
(1) What type and range of evidence or information have you used to help you make a judgement about the plan/ strategy/ service/ policy?	Examples of information used to help future planning for the commissioning of these services includes: <ul style="list-style-type: none"> <li>• Performance management data from existing services.</li> <li>• Local Government Association Advocacy Services guidance</li> <li>• Social Care Institute for Excellence Guidance</li> <li>• Consultation activity which will include stakeholders, providers, service users and potential service users</li> </ul>

<p>(2) Have you consulted on the plan/ strategy/ service/policy and if so with whom?</p>	<p>An 8 week consultation started on 9 June 2017 and ended on 31 July 2017. The aim of this consultation activity was to effectively engage with current and previous advocacy service users and other key stakeholders on the proposed service model and ensure there were opportunities for them to influence and shape the new service.</p> <p>Consultation was undertaken with current and previous advocacy service users, providers, members of the public and professionals. The consultation represents the views of 86 individuals.</p>
<p>(3) Which of the groups with protected characteristics have you consulted with?</p>	<p>Consultation included people with protected characteristics, particularly people with disabilities and learning disabilities. 47% of survey respondents reported having a long term illness or disability and 100% of the focus group attendees reported the same. Consultation was also undertaken with 21 mental health service users.</p> <p>The consultation was tailored to people with disabilities and those with chronic illnesses, by undertaking road shows in hospitals.</p> <p>12% of survey respondents were from BME groups which is in line with general population demographics. 59% of respondents were female and all age categories were represented. 7% of respondents reported that they were gay, lesbian or bisexual, which higher than the proportion in the general population.</p>
<p><b><u>Stage 3 – Analysis of impact</u></b></p>	

<p>(1) From your data and consultations is there any adverse or negative impact identified for any particular group which could amount to discrimination?</p> <p>If yes, identify the groups and how they are affected.</p>	<p style="text-align: center;"><b>RACE</b></p> <p style="text-align: center;"><b>NO</b></p> <p>The service is predominately aimed at and is utilised by vulnerable groups; this is apparent from service monitoring data. Therefore, the service will not have any negative impact amounting to discrimination on this group. If any negative impacts emerge following the consultation, these will be addressed through the development of mitigations in the specification.</p>	<p style="text-align: center;"><b>DISABILITY</b></p> <p style="text-align: center;"><b>NO</b></p> <p>The service is predominately aimed at and is utilised by vulnerable groups; this is apparent from service monitoring data. Therefore, the service will not have any negative impact amounting to discrimination on this group. If any negative impacts emerge following the consultation, these will be addressed through the development of mitigations in the specification.</p>	<p style="text-align: center;"><b>GENDER</b></p> <p style="text-align: center;"><b>NO</b></p> <p>The service is predominately aimed at and is utilised by vulnerable groups; this is apparent from service monitoring data. Therefore, the service will not have any negative impact amounting to discrimination on this group. If any negative impacts emerge following the consultation, these will be addressed through the development of mitigations in the specification.</p>
	<p style="text-align: center;"><b>MARRIAGE/CIVIL PARTNERSHIP</b></p> <p style="text-align: center;"><b>NO</b></p> <p>The service is predominately aimed at and is utilised by vulnerable groups; this is apparent from service monitoring data. Therefore, the service will not have any negative impact amounting to discrimination on this group. If any negative impacts emerge following the consultation, these will be addressed through the development of mitigations in the specification.</p>	<p style="text-align: center;"><b>AGE</b></p> <p style="text-align: center;"><b>NO</b></p> <p>The service is predominately aimed at and is utilised by vulnerable groups; this is apparent from service monitoring data. Therefore, the service will not have any negative impact amounting to discrimination on this group. If any negative impacts emerge following the consultation, these will be addressed through the development of mitigations in the specification.</p>	<p style="text-align: center;"><b>GENDER REASSIGNMENT</b></p> <p style="text-align: center;"><b>NO</b></p> <p>The service is predominately aimed at and is utilised by vulnerable groups; this is apparent from service monitoring data. Therefore, the service will not have any negative impact amounting to discrimination on this group. If any negative impacts emerge following the consultation, these will be addressed through the development of mitigations in the specification.</p>

	<p style="text-align: center;">RELIGION/BELIEF</p> <p style="text-align: center;">NO</p> <p>The service is predominately aimed at and is utilised by vulnerable groups; this is apparent from service monitoring data. Therefore, the service will not have any negative impact amounting to discrimination on this group. If any negative impacts emerge following the consultation, these will be addressed through the development of mitigations in the specification.</p>	<p style="text-align: center;">PREGNANCY MATERNITY</p> <p style="text-align: center;">NO</p> <p>The service is predominately aimed at and is utilised by vulnerable groups; this is apparent from service monitoring data. Therefore, the service will not have any negative impact amounting to discrimination on this group. If any negative impacts emerge following the consultation, these will be addressed through the development of mitigations in the specification.</p>	<p style="text-align: center;">SEXUAL ORIENTATION</p> <p style="text-align: center;">NO</p> <p>The service is predominately aimed at and is utilised by vulnerable groups; this is apparent from service monitoring data. Therefore, the service will not have any negative impact amounting to discrimination on this group. If any negative impacts emerge following the consultation, these will be addressed through the development of mitigations in the specification.</p>
(2) If there is an adverse impact, can this be justified?	All service providers will be expected to produce, implement and review an Equality Impact Assessment for the advocacy services and this will be monitored through performance management data and contract review meetings with commissioners to ensure that people with protected characteristics are able to access and utilise the services commissioned.		
(3) What actions are going to be taken to reduce or eliminate negative or adverse impact? (this should form part of your action plan under Stage 4.)	<p>As part of the tendering process, providers will be required to demonstrate their understanding of equality and diversity and their response will be assessed within the quality criteria, including the requirement for an equalities policy. Throughout the life of the contract, providers will be expected to deliver the service in line with the Public Sector Equality Duty, in which all provides are required to meet the General Equality Duty aims which are:</p> <ul style="list-style-type: none"> <li>• Eliminate unlawful discrimination</li> <li>• Advancing Equality of opportunity</li> <li>• Fostering good relations</li> </ul>		



(4) How does the plan/strategy/service/policy contribute to promotion of equality? If not what can be done?	These services are particularly targeted to the most vulnerable in our communities, for example, those with long term health conditions and disabilities, and will therefore take account of accessibility in terms of where it is delivered, times of delivery, appropriate venues to meet customer need and communication needs and preferences.
(5) How does the plan/strategy/service/policy promote good relations between groups? If not what can be done?	The service is available for all groups, and equitable access will be provided regardless of any protected characteristics. Services are provided within hospital or general community settings and as such there may be opportunities to foster good relations between groups – e.g. challenging stigma towards people with mental health problems.
(6) Are there any obvious barriers to accessing the service? If yes how can they be overcome?	Providers will need to demonstrate that they can provide provision to meet the communication needs of different individuals particularly when they are unwell e.g. ensure access to an interpreter, ability to communicate effectively with people with learning disabilities.
(7) What are the likely positive and negative consequences for health and wellbeing as a result of this plan/strategy/service/policy?	The purpose of the delivery of these services is to improve population health and wellbeing (please see response to question 3 for full details), by allowing people to participate in their care and treatment planning and discharge, and by helping them to make and resolve complaints about NHS funded care.
(8) What actions are going to be taken to reduce or eliminate negative or adverse impact on population health? (This should form part of your action plan under Stage 4.)	In relation to Mental Health Advocacy, the provider is expected to be an active member of the Warwickshire Mental Health Co-production and Participation Group, facilitated by Public Health, which aims to identify emerging population level issues with service provision and raise such issues with the Arden Mental Health Commissioners group. As such, this should ensure that population health is protected by these services.
(9) Will the plan/strategy/service/policy increase the number of people needing to access health services? If so, what steps can be put in place to mitigate this?	These services should not increase the number of people accessing health services, but it should enable those already are to participate more fully in their care planning, treatment and discharge thus maximising the outcomes they achieve.
(10) Will the plan/strategy/service/policy reduce health inequalities? If so, how, what is the evidence?	Advocacy Services are commissioned to protect and support the most vulnerable members of our communities, and as such, they form part of a planned response to reducing health inequalities.

<b><u>Stage 4 – Action Planning, Review &amp; Monitoring</u></b>	
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<p>If No Further Action is required then go to – Review &amp; Monitoring</p> <p>(1)Action Planning – Specify any changes or improvements which can be made to the service or policy to mitigate or eradicate negative or adverse impact on specific groups, including resource implications.</p>	EqIA Action Plan																							
<p>(2) Review and Monitoring State how and when you will monitor policy and Action Plan</p>	<table border="1"> <thead> <tr> <th data-bbox="860 231 1126 308">Action</th> <th data-bbox="1126 231 1368 308">Lead Officer</th> <th data-bbox="1368 231 1615 308">Date for completion</th> <th data-bbox="1615 231 1861 308">Comments</th> </tr> </thead> <tbody> <tr> <td data-bbox="860 308 1126 384">Consultation on proposals</td> <td data-bbox="1126 308 1368 384">Paula Mawson</td> <td data-bbox="1368 308 1615 384">August 2017</td> <td data-bbox="1615 308 1861 384">Complete</td> </tr> <tr> <td data-bbox="860 384 1126 461">Service specification</td> <td data-bbox="1126 384 1368 461">Paula Mawson</td> <td data-bbox="1368 384 1615 461">September 2017</td> <td data-bbox="1615 384 1861 461"></td> </tr> <tr> <td data-bbox="860 461 1126 537">Invitation to Tender</td> <td data-bbox="1126 461 1368 537">Paula Mawson</td> <td data-bbox="1368 461 1615 537">December 2017</td> <td data-bbox="1615 461 1861 537"></td> </tr> <tr> <td data-bbox="860 537 1126 683">Document will be reviewed following consultation</td> <td data-bbox="1126 537 1368 683">Paula Mawson</td> <td data-bbox="1368 537 1615 683">August 2017</td> <td data-bbox="1615 537 1861 683">Complete</td> </tr> </tbody> </table>	Action	Lead Officer	Date for completion	Comments	Consultation on proposals	Paula Mawson	August 2017	Complete	Service specification	Paula Mawson	September 2017		Invitation to Tender	Paula Mawson	December 2017		Document will be reviewed following consultation	Paula Mawson	August 2017	Complete			
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Document will be reviewed following consultation	Paula Mawson	August 2017	Complete																					
<p>The plan will be reviewed bi-monthly as part of the project documentation until a new provider has been appointed. We will agree appropriate review periods post contract award with the provider.</p>																								

Please annotate your policy with the following statement:

**‘An Equality Impact Assessment/ Analysis on this policy was undertaken on (August 2016) and will be reviewed at regular intervals through the consultation and tender process and then in November 2019).**

## Cabinet

10 October 2017

### Advocacy, Information, Advice and Support Services (Adults and Children's)

#### Recommendation

That Cabinet approves proceeding with an appropriate procurement process for the provision of Advocacy, Information, Advice and Support Services and authorises the Strategic Director of People Group to enter into all relevant contracts on terms and conditions acceptable to the Joint Managing Director (Resources).

#### 1.0 Background and Rationale

- 1.1 There are currently 9 Advocacy, Information, Advice and Support Services, three services related to health are dealt with elsewhere on the agenda. The remaining 6 commissioned by Warwickshire County Council, through People Group are statutory services and listed below.
- Appointee Services (2 contracts)
  - Care Act Generic Advocacy
  - Independent Mental Capacity Advocacy (IMCA)
  - Children's Advocacy & Independent Visitors
  - Special Education Needs and/or Disability Information Advice and Support Services, (SENDIAS)
- 1.2 The six contracts are currently due to expire on 31st March 2018. The current combined annual values for the services 2017-2018 is £1,048,762.

#### Overview of Contracts (Adult's)

Contract	Term	Start	End	Contract Type	Contract Partners	Contract Value
Appointee	3yrs +1	2014	2018	Framework	WCC	£360,000 (paid quarterly in advance for actuals)
Care Act	3yrs +1	2014	2018	Framework	WCC	£196,000 (paid quarterly in arrears for actuals)
IMCA	3yrs +1	2014	2018	Block	WCC & CCC	£82,000

### Overview of Contracts (Children's)

Contract	Term	Start	End	Contract Type	Contract Partners	Contract Value
Children's Advocacy	3yrs, 1+1	2012	2018	Block	WCC & CCC	£125,000 WCC contract value (CCC contract value £125,000 paid direct to provider)
SENDIAS	2yrs, 1+1	2014	2018	Block	WCC	£124,762 + £36,000 SEND Reform Grant TBC Dec 2017

- 1.3 These services enable Warwickshire to meet a number of statutory requirements which set out how people should be able to be active citizens and have a say whilst recognising that some people may need support to make this happen.
- 1.4 Currently Coventry City council jointly commission services with Warwickshire for IMCA and Children's Advocacy. Moving forwards Coventry has expressed an intention to continue with these arrangements and potentially including Care Act Advocacy.
- 1.5 Whilst two separate reports are being presented to Cabinet, the procurement process of all 9 advocacy services commissioned by WCC is being undertaken with a joined up process, approach and timeline. A joint working group has been established involving commissioners in Public Health and People Group, led by Procurement, to ensure consistency of approach across the Council and consistency in outcomes for Warwickshire residents.

## 2.0 Overview of the 6 Statutory Advocacy, Information, Advice and Support Services.

### Adult Services

- 2.1 **Appointee, Care Act and Independent Mental Capacity Advocate (IMCA)** - Warwickshire County Council People Group currently commissions a framework of Advocacy (Appointee, Care Act, IMCA and Independent Mental Health Advocacy (Public Health)). IMCA and IMHA are contracted across Coventry and Warwickshire.

An **Appointee** is a person who has been appointed by the Department of Work & Pensions (DWP) or a local authority to receive welfare benefits on behalf of someone who is unable to manage their affairs, generally because of mental incapacity.

**Care Act Advocacy** - for eligible individuals to have independent advocate to help them be actively involved in their care and support

process, including their care assessments, support planning, reviews and safeguarding enquiries and adult reviews (previously serious case reviews).

**IMCAs** - are a legal safeguard for people who lack the capacity to make specific important decisions: including making decisions about where they live and about serious medical treatment options. IMCAs are mainly instructed to represent people where there is no one independent of services, such as a family member or friend, who is able to represent the person.

## Children's Services

- 2.2 **Children's Advocacy and Independent Visitors** - Warwickshire County Council People Group and Coventry City Council currently jointly commission a block contract for Children's Advocacy and Independent Visitor's Service. The advocacy service is to provide independent advice and support to children looked after and children in need to ensure that their voice is heard or to support with complaints. An independent visitor is a volunteer befriender for children looked after.
- 2.3 **Special Educational Needs and/or Disability Information, Advice and Support Services (SENDIAS)** - Warwickshire County Council currently commissions a block contract for SENDIAS. This was previously known as Parent Partnership. The service provides term time impartial information, advice and support on all matters relating to special educational needs and disabilities to children and young people up to the age of 25 with SEND, parents and carers of a child with SEND, and staff involved in the provision of education services. This may involve case work to support children, young people and families; with *independent support workers* enabling them to navigate the system effectively and support positive outcomes when needed.

## 3.0 Key Issues

### Adult Services

- 3.1 **Appointee Services** - Historically the main client group of the Appointee service was older people aged 65 and over living in residential care and Learning Disability customers living in Supported Living. Due to changes in the social care landscape with a shift from traditional residential building based provision to independent community living; appointee support has moved from an average of 7 to 10 years in duration to 20+ years for individual customers. This is a growing service and budget pressure for Warwickshire.
- 3.2 **Care Act Advocacy** – There is evidence of a pressure to source out of county provision for Warwickshire residents outside of contracted services boundaries. There is evidence to suggest that we should revisit the process to ensure that timely support is available for individuals being discharged from a hospital setting. Feedback has been given indicating issues with faxing and recording processes which can impact on the referral process.

- 3.3 **Independent Mental Capacity Advocacy** – Current contracted services are operating with a waiting list for services due to demand. There is evidence of a pressure to source out of county provision for Warwickshire residents outside of contracted services boundaries and feedback has been given indicating issues with faxing and recording processes which can impact on the referral process.

## Children's Services

- 3.4 **Children's Advocacy and Independent Visitors** – Current data and costing model varies from other Advocacy services. Following WCC's recent Ofsted inspection more could be done to increase awareness of and referrals for advocacy and independent visitors. Procurement exercise enables a review of local demand and delivery to be reviewed to ensure equity across the contracted area and for those young people placed out of county.
- 3.5 **Special Educational Needs and/or Disability Information, Advice and Support Services (SENDIAS)** – Evidence to suggest that work could be done to raise awareness and access to the service to increase early intervention with families and promoting the voice of the child.
- 3.6 Strategic Commissioning has undertaken market testing and engagement with stakeholders, providers and customers to develop enhance and address these key issues and inform future models and service specifications for these 6 Statutory Advocacy, Information, Advice and Support Services.

## 4.0 Proposal

- 4.1 The contract period will be for a period of 3 years, with options to extend for period(s) up to 24 months, subject to satisfactory performance by the provider. This will be replicated through all of the advocacy services contracts across the Council so that they can be reviewed together at the end of the new contract period.
- 4.2 An outcomes based performance framework will be used to measure service user outcomes, provider performance and activity for each of Statutory Advocacy, Information, Advice and Support services. This will enable commissioners to monitor performance against each service area.
- 4.3 The new service will be outcome focused, placing the needs of service users at the core of service delivery, and aligned to the Advocacy Outcomes Framework produced by the National Development Team for Inclusion. The framework details outcomes in four main areas:
- **Changes for the individual**, to include: increased voice and personal control, improved opportunities, challenging injustice, increased independence, individual's rights are upheld
  - **Changes for the health and social care sector**, to include: improved service quality and experience for the user, service change and improvement, coproduced services
  - **Changes in the wider community**, to include: increased social inclusion and contribution, and exercising of democratic rights

- **Changes in the advocacy organisation**, to include: improved accessibility of advocacy provision, improved governance and application of best practice, including coproduction of the service.

## 5.0 Timescales associated with the decision and next steps

5.1 Following cabinet's decision, the table below sets out the critical milestones and key deadlines for the tendering and commissioning of the Statutory Advocacy, Information, Advice and Support services.

Milestones	Deadline
Cabinet meeting	12 October 2017
Tender process begins	1 November 2017
Tender process closes	30 November 2017
Tender evaluation period	30 December 2018
Contract award	26 January 2018
Service transition period	February and March 2018
New service starts	1 April 2018

5.2 Cabinet is asked to note that commissioners are currently seeking permission to extend the existing contracts expiration date to 30<sup>th</sup> June 2018, to allow for a longer transition period to new services. If this is approved, the new services will commence on 1<sup>st</sup> July 2018.

## Background papers

None

	Name	Contact Information
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The report was circulated to the following members prior to publication:

Local Member(s): N/A

Other members: Cllrs Caborn, Morgan, Roodhouse, Golby, Chilvers, Parsons, Dahmash, Redford, C.Davies, Williams, Hayfield, Rolfe

## Cabinet

10 October 2017

### Whistleblowing Policy

#### Recommendation

That the Cabinet approves the revised Whistleblowing Policy (Appendix D) and the Essentials document (Appendix A).

#### 1.0 Key Issues

- 1.1 The Policy has been updated to reflect the changes to the law on protected disclosures and the statutory Duty of Candour which applies to the County Council as a provider of care services.
- 1.2 The revised Policy was endorsed by the Audit and Standards Committee on 6 September 2017 and is now recommended to Cabinet for approval.

#### 2.0 Proposal

- 2.1 The County Council's Whistleblowing Policy was last reviewed in October 2014. The revised full Policy is set out in Appendix D.
- 2.2 The "Whistleblowing Essentials" document (Appendix A) is intended to give people a quick guide to the Policy to make it more accessible. A simplified flowchart is also attached as Appendix C.
- 2.3 The Duty of Candour is intended to ensure that providers are open and transparent with people who use services, in relation to care and treatment. The law sets out specific requirements that providers must follow when things go wrong with care and treatment, including informing people about the incident, providing reasonable support, providing truthful information and an apology. The County Council's Whistleblowing Policy has been revised to take account of this legislative change so that it fulfils the County Council's obligation to encourage candour, openness and honesty in those involved in the provision of care.
- 2.4 The revised Policy continues to encourage the use of internal procedures to make disclosures and identifies a list of Whistleblowing Advisers from each Group of the County Council to whom staff can turn for advice or to make a disclosure if they do not feel able to discuss with their own managers. This list has recently been updated and is attached as Appendix B. The Policy also indicates that advice can be sought from Public Concern at Work.



- 2.5 The law on protected disclosures is governed by the Employment Rights Act 1996. This gives protection to employees from victimisation by their employer or from losing their job where they have “blown the whistle.” It also provides a list of prescribed persons (external people/organisations) to whom referrals may be made by the whistle-blower without loss of their statutory protections.

### 3.0 Timescales associated with the decision and next steps

- 3.1 The most effective way of publicising and promoting the revised code is by maximising the usage of existing channels of communication within and across Groups. At a corporate level this would include the intranet, Working for Warwickshire and the Core Brief, as well as raising awareness through Heads of Service meetings. We would aim to include publicity about the Code in our ‘Do the right thing’ intranet week in November 2017.

### Background papers

None

### Supporting Documents

1. CQC Regulation 20: Duty of Candour – guidance dated March 2015
2. Department for Business, Innovation and Skills: Whistleblowing Guidance for Employers and Code of Practice – March 2015

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The report was circulated to the following members prior to publication:

Local Member(s): n/a

Other members: n/a

## **Whistleblowing: The Essentials**

### **1. What is whistleblowing?**

- Whistleblowing is the reporting of suspected wrongdoing or dangers (e.g. to someone's health and safety) in relation to our activities.
- If you are an employee or other worker, such as an agency worker, and you have a serious and reasonably held concern about wrongdoing within the Council you are encouraged to come forward and voice your concern.
- The Council will not tolerate harassment or victimisation against you because you have raised a concern.
- You will be supported when you raise a concern and you can be assured that where you raise a genuine and reasonably held concern it will not affect your future career progression.
- The law gives protection against victimisation and reprisals for workers who "blow the whistle" provided they reasonably believe that the disclosure is in the public interest. More information about the types of disclosure which are protected can be found in the Council's Whistleblowing policy.
- The policy also applies to disclosures made in relation to the providers of health and adult social care under the duty of candour.
- The Whistleblowing Policy is not intended for raising concerns about your personal circumstances such as complaints about a breach of your contract of employment.

### **2. How to raise a concern**

- Advice about how to raise a concern is available on a confidential basis from the HR Advisory Service, Whistleblowing Advisers or Public Concern at Work (an independent charity 020740 46609).
- You should normally raise your concern with your line manager (or with their line manager). If you do not feel able to do this, there are Whistleblowing Advisors within the Council you can contact directly. Their details are on the intranet.
- If your concern involves County Councillors or senior managers you can raise your concern directly with the Joint Managing Director (Resources) or the Head of Law and Governance. If you suspect fraud you can raise your concern with the Head of Finance or through the fraud hotline.

### **3. How the Council will respond**

- We will ask you to put your concerns in writing and provide as much detail as possible so that we can decide whether there should be an investigation. Some cases may be resolved without an investigation.
- You should normally get a response from the Council within 10 working days to let you know the next steps.

- In some cases, specific procedures will apply – such as concerns related to child protection matters or cases which require investigation by Internal Audit or the Police. Cases of suspected financial impropriety should be referred to Internal Audit.
- There may be a need to seek further information from you and you might need to attend a meeting. If you do, you can bring a representative with you.
- You will be kept informed about the procedure to be followed, for example if you need to give evidence in disciplinary proceedings.
- Unless there are legal restrictions, you will generally receive feedback on the investigation of your complaint.

#### **4. Points to note**

- The Council will try to keep matters confidential, however, we cannot guarantee this and you may need to make a statement if there is a disciplinary or police investigation.
- We may consider anonymous complaints but these are far more difficult to investigate and prove. We would therefore encourage you to put your name to your concerns.
- Your concern may or may not be substantiated by an investigation. No action will be taken against you just because a concern has not been substantiated.
- If malicious or vexatious allegations are made against you, appropriate disciplinary action will be taken against the person making such allegations. Similarly if you make malicious or vexatious allegations against others you may face disciplinary action

#### **5. Reporting Concerns to External Agencies**

- If you do not feel able to raise your concern through one of our internal routes then provided you reasonably believe that your concerns are true there is a list of government approved external agencies which you can contact depending on the nature of your concern.  
  
<https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-people-and-bodies>
- You will generally lose your right to protection if you disclose to a person or body not on the list.
- If you disclose your concerns outside of the Council, you should not disclose confidential information or make disclosures to the press. If you are not sure about where you can report your concern, you should take advice.

**Warwickshire County Council**

**WHISTLEBLOWING POLICY - LIST OF WHISTLEBLOWING  
ADVISERS**

Please note that you can speak to a whistleblowing advisor who is not in your Group:

**Communities Group**

Mark Ryder, Head of Transport and Economy  
Tel : 01926 412811  
e-mail: [markryder@warwickshire.gov.uk](mailto:markryder@warwickshire.gov.uk)

John Linnane, Director of Public Health  
Tel: 01926 413705  
Email: [johnlinnane@warwickshire.gov.uk](mailto:johnlinnane@warwickshire.gov.uk)

**Fire and Rescue**

Rob Moyney, Deputy Chief Fire Officer

Tel : 01926 423231  
(75 3201 if dialling from Shire Hall)  
e-mail: [robmoyney@warwickshire.gov.uk](mailto:robmoyney@warwickshire.gov.uk)

**People Group**

Jenny Butlin-Moran, Service Development and Assurance (Children's) PPA Business Unit

Tel: Internal 58 2514 External 01926 7421514  
e-mail: [jennybutlinmoran@warwickshire.gov.uk](mailto:jennybutlinmoran@warwickshire.gov.uk)

Mike J Wood, Service Development and Assurance (Adults) PPA Business Unit

Tel: Internal 58 2177 External 01926 742177  
e-mail: [mikejwood@warwickshire.gov.uk](mailto:mikejwood@warwickshire.gov.uk)

Christine Lewington, Head of Strategic Commissioning  
Internal: 585101, External: 01926 745101  
Email: [chrislewington@warwickshire.gov.uk](mailto:chrislewington@warwickshire.gov.uk)

## **Resources Group**

Steve M. Smith,

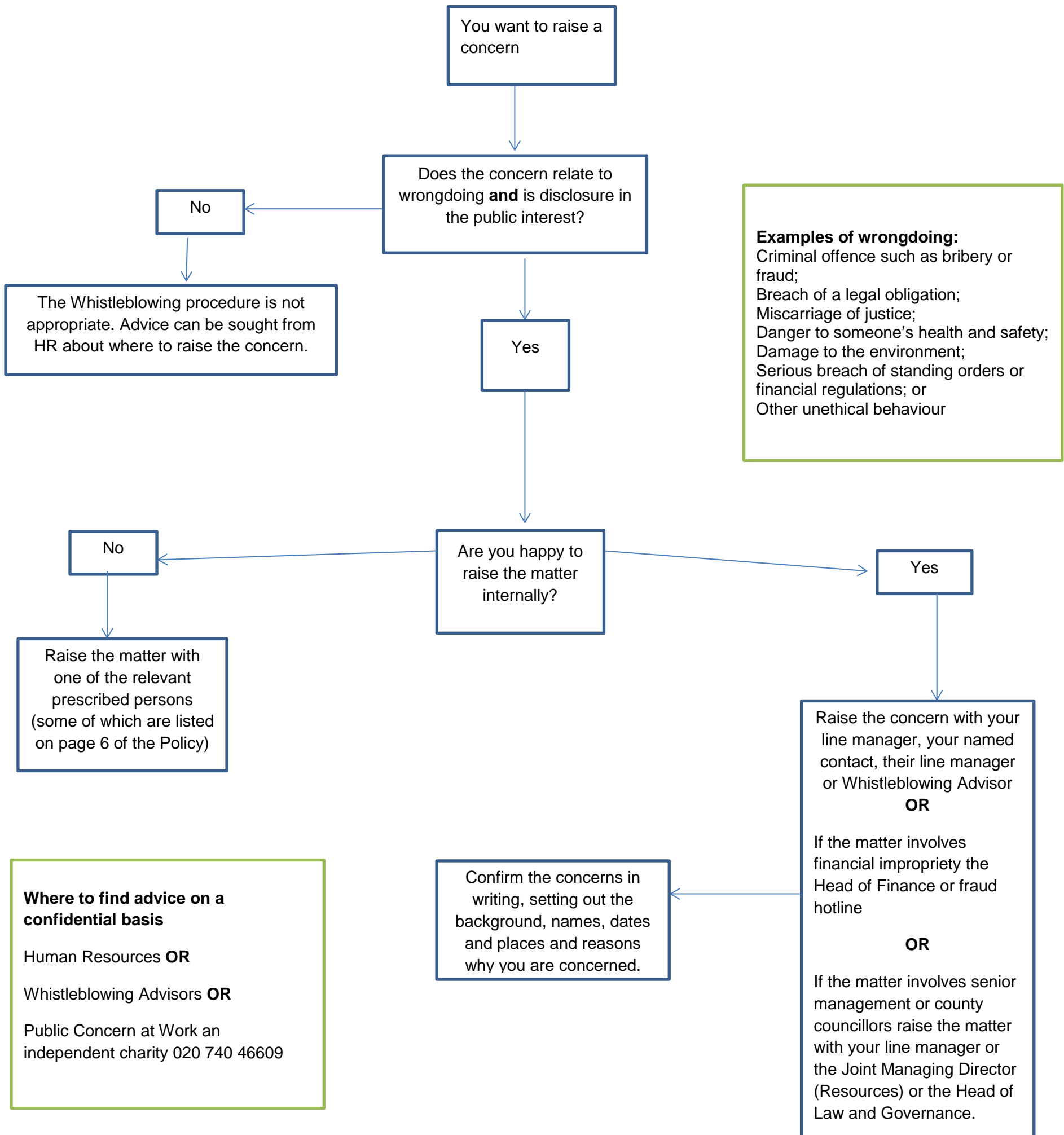
Head of Physical Assets

Tel : 01926 412352

Internal Email : Steve M Smith/Project Manager/PS/WarksCC External Email :

[stevesmithps@warwickshire.gov.uk](mailto:stevesmithps@warwickshire.gov.uk)

**Appendix C - Whistleblowing Flowchart**



## **Warwickshire County Council** **Whistleblowing Policy**

- **KEY POINTS**
- **Employees and other workers are assured of protection from suffering victimisation or harassment in the workplace if they raise serious concerns about wrongdoing where this is in the public interest and they act in accordance with this policy**

### **1. About this policy**

- 1.1 Warwickshire County Council is committed to the highest possible standards of openness, integrity and accountability. In line with that commitment we encourage employees and others with reasonably held concerns about wrongdoing within the Council to come forward and voice these concerns at an early stage.
- 1.2 We would hope that in most cases employees and others would feel confident in raising serious concerns through their normal line management arrangements or other reporting arrangements. However we recognise that in a small number of cases there may be genuine concerns about possible reprisals or victimisation.
- 1.3 Although this policy is written for employees, the County Council recognises that it may also be applicable to other individuals such as consultants, contractors, volunteers, interns, casual workers, agency workers and secondees from other organisations. Whilst the County Council will endeavour to ensure that such workers are afforded a similar level of protection to that afforded by this policy, it must be recognised that in such cases the County Council will not have direct control over the actions of other employers.
- 1.4 This policy aims to:
  - provide an opportunity for you to raise serious concerns and receive feedback on any action taken
  - allow you to take the matter further if you are dissatisfied with the County Council's response,
  - reassure you that you will be protected from reprisals or victimisation for whistleblowing where you have a reasonable belief in the accuracy of the allegations (and where raising them is in the public interest) and you otherwise follow this policy.
  - put in place relevant support measures for you as an individual during the process

- 1.5 Regulation 20 of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014 introduced a Duty of Candour on providers of health and adult social care who are registered with the Care Quality Commission (CQC) to be open with patients and other service users when things go wrong. Providers must promote a culture that encourages candour, openness and honesty at all levels. Individual members of staff who are professionally registered have a separate duty of professional candour which is regulated by their respective professional regulatory bodies.
- 1.6 This policy is intended to promote a culture of openness and transparency and staff are encouraged to report concerns which might trigger obligations under Regulation 20, which include notifying service users, providing support and an apology where a safety incident occurs which causes harm to a service user.
- 1.7 This policy applies to employees disclosing information under the duty of candour who fear reprisals or victimisation in the same way as it applies to any other employees.
- 1.8 Disclosures which relate to the employee's personal circumstances or where there is a suspected breach of an employee's contract of employment do not fall within this policy and should be raised under the Council's Grievance Procedure, Dignity at Work Policy or Equalities Policies, as appropriate.
- 1.9 This policy does not form part of any employee's contract of employment and we may amend it at any time.

## **2. What is whistleblowing?**

- 2.1 Whistleblowing is the reporting of suspected wrongdoing or dangers in relation to our activities.
- 2.2 A worker who "blows the whistle" will be entitled to the protection of the law under the Employment Rights Act 1996 ("the ERA") where he or she makes a "qualifying disclosure." The provisions cover employees, contractors, agency workers, homeworkers, some work experience students and police officers and apply where the worker discloses information in the reasonable belief that the disclosure is in the public interest and the information tends to show that any of the following has occurred or is likely to occur:
  - i. A criminal offence, [for example bribery or fraud];
  - ii. A breach of a legal obligation
  - iii. A miscarriage of justice
  - iv. A danger to someone's health and safety
  - v. Damage to the environment
  - vi. The covering up of wrongdoing in the above categories
- 2.3 In addition to the above, the Council has extended protection under this Policy to disclosures of serious wrongdoing that do not fall within the above categories,

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Policy owner	Sarah Duxbury, Head of Law and Governance				



but which the Council nevertheless accepts are in the public interest. An employee who makes such a disclosure may not be entitled to the protection of the law under the ERA but the Council will approach their disclosure as if it did. This would apply to disclosures about serious misconduct which:

- vii. Is against the Council’s Standing Orders, Policies or Financial Regulations
- viii. Is in breach of professional obligations
- ix. Amounts to improper or unethical conduct

2.4 The above list is not exhaustive but the key requirement is that the worker must reasonably believe that the disclosure is in the public interest.

2.5 Further advice can be taken from the HR Advisory Service if you are unclear as to whether the policy is appropriate for your particular circumstances.

### 3. How to raise a concern

3.1 You should normally raise concerns with your immediate manager or their line manager if you feel uncomfortable in discussing the issue with someone working in close proximity to you.

3.2 Additionally, a network of Whistleblowing Advisers has been established and these Advisers are listed in a separate document, available from the HR Advisory Service or on the intranet. If you do not feel able to raise your concern with your manager or their line manager, you should approach the Whistleblowing Adviser direct.

3.3 You may choose to raise the concern in writing, but it is helpful to all concerned if an initial and informal discussion can take place in the first instance. This depends, however, on the seriousness and sensitivity of the issues involved and who is thought to be involved in the wrongdoing. For example, if you believe that any county councillors or member(s) of senior management are involved, you should approach the Chief Executive or the Strategic Director of the Resources Group. In cases of financial impropriety you should approach the Head of Finance, Resources Group. If you do not feel comfortable to approach senior managers, you can approach a Whistleblowing Adviser who may escalate the matter on your behalf.

3.4 Once initial concerns have been raised, it will be important to translate these into writing. You will be invited to set out the background and history of the concern, giving names, dates and places where possible, and the reason why you are particularly concerned about the situation.

3.5 The earlier you express the concern the easier it is to take action.

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- 3.6 Although you are not expected to prove the truth of an allegation, you will need to give sufficient detail to show there are grounds for your concern.
- 3.7 You can get advice and guidance in confidence on how matters of concern may be pursued from:-
- the HR Advisory Service (if you are an employee)  
<http://intranet.warwickshire.gov.uk/helpingyouwork/HR/AbouttheHRService/Pages/HRAdvisoryService.aspx>
  - the appropriate Whistleblowing Adviser (as shown at Appendix A)
  - Public Concern at work (this is an independent charity which offers a confidential helpline on 0207404 6609 [www.pcaw.org.uk](http://www.pcaw.org.uk))
- 3.8 You may invite your trade union or professional association to raise a matter on your behalf and they can be invited to participate in any future discussions between yourself and the Investigating Officer.

#### **4. Confidentiality**

- 4.1 The Council will do its best to protect your identity when you raise a concern and do not want your name to be disclosed. However, it must be appreciated that the investigation process may reveal the source of the information and a statement by you may be required as part of the evidence, especially if the next step is a police investigation and prosecution.

#### **5. Anonymous Allegations**

- 5.1 The Council accepts that employees will raise genuine concerns that are based on factual evidence or direct observation. With this in mind you are encouraged to put your name to your allegation. Concerns expressed anonymously are much less powerful and far more difficult to investigate and prove. However, they will be considered at the discretion of the County Council.
- 5.2 In exercising the discretion, the factors to be taken into account would include:-
- the seriousness of the issues raised
  - the credibility of the concern; and
  - the likelihood of confirming the allegation from other sources in the face of a flat denial from the accused person.

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## 6. Unsubstantiated Allegations

- 6.1 If you make an allegation that you reasonably believe and which is based on evidence, observation or a series of unexplainable instances, but it is not confirmed by the investigation, no action will be taken against you and you will be fully supported after the event. If, however, you make malicious or vexatious allegations, then disciplinary action may be taken against you.
- 6.2 Equally, if malicious or vexatious allegations are made against you, the County Council will ensure that you are fully supported and that appropriate disciplinary action is taken against the person making such allegations.

## 7. Protection and Support for Whistle blowers

- 7.1 The Council recognises that the decision to report a concern can be a difficult one to make, not least because of fear of reprisal from those responsible for the wrongdoing. The Council will not tolerate harassment or victimisation in any form and will take action and put in place support measures to protect you when you raise a concern. Disciplinary procedures are already in place to address any potential attempts at harassment or victimisation.
- 7.2 It is accepted by the Council that staff may feel concerned that by raising areas of concern, their future careers may be detrimentally affected. This is **not** the case, and those raising genuine and reasonably held concerns may be assured that concerns will be treated with the utmost respect and play no part in future decisions related to progress or promotion.
- 7.3 If you are personally already the subject of disciplinary or redundancy procedures for other reasons, whistleblowing will not usually halt these procedures but the investigating officer will take steps to satisfy themselves that the issues are not inter-related or connected in any way.

## 8. How the Council will respond

- 8.1 The action taken by the Council will depend on the nature of the concern. Initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take.
- 8.2 Some concerns may be resolved by agreed action without the need for investigation.
- 8.3 Concerns or allegations which fall within the scope of specific procedures (for example, child protection or discrimination issues, or concerns which trigger the County Council's obligations towards service users under the Duty of Candour) will normally be referred for consideration under those procedures.

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8.4 Other matters raised may :-

- be referred to the Internal Auditor (in the cases of financial impropriety)
- be referred to the Police immediately where allegations of criminal conduct such as fraud are apparent
- be referred to the External Auditor
- form the subject of an independent inquiry by a nominated person or body outside of the County Council

8.5 The County Council will aim to write to you within ten working days of a concern being formalised in writing:

- acknowledging that the concern has been received
- indicating how it proposes to deal with the matter and where possible who the investigating officer(s) will be
- giving an estimate of how long it will take to provide a final response
- telling you whether any initial enquiries have been made; and
- telling you whether further investigations will take place and, if not, why not.

8.6 The amount of contact between the officers considering the issues and you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought from you.

8.7 When any meeting is arranged with you, you have the right if you so wish to be accompanied by a representative from your trade union or professional association, or a workplace colleague. Your companion must respect the confidentiality of your disclosure and any subsequent investigation.

8.8 The Council will take steps to minimise any difficulties which you may experience as a result of raising a reasonably held concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings, the Council will advise you about the procedure to be followed and make arrangements for you to be released from your normal duties.

8.9 The Council accepts that you need to be assured that the matter has been properly addressed. Unless there are legal constraints, you will receive feedback and information about the progress and outcomes of any investigations. You should recognise, however, that during the course of an

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investigation the Council may have a duty of confidentiality which will override your legitimate interest in knowing how matters are progressing.

## 9. How the Matter can be taken Further

9.1 This policy is intended to provide you with an opportunity to raise concerns within the Council. The Council hopes you will have confidence in using the internal procedure and do not find it necessary to approach anyone externally. If you are not satisfied, and if you feel it is right to take the matter outside the Council, then provided you reasonably believe that your allegations are true, you can make a disclosure to prescribed persons without losing your rights under whistleblowing law or this policy. The relevant prescribed person depends on the subject matter of the disclosure and the following is not an exhaustive list:

- Auditors appointed under the Local Audit and Accountability Act 2014 to audit the County Council’s accounts - the proper conduct of public business, value for money, fraud and corruption. Details of the Council’s auditors can be found on the County Council website at <http://www.warwickshire.gov.uk/accounts>
- Care Quality Commission - matters relating to the registration and provision of regulated health and social care services as defined in the Health and Social Care Act 2008.
- The Children’s Commissioner – matters relating to the rights, welfare and interests of children
- Comptroller and Auditor General - The proper conduct of public business; value for money, fraud and corruption in relation to the provision of public services
- Environment Agency – matters affecting the environment or the management or regulation of the environment, including pollution and flooding.
- Health and Safety Executive or local authorities which are responsible for the enforcement of health and safety legislation - matters which may affect the health of safety of any individual at work or member of the public in connection with the activities of persons at work.
- Information Commissioner’s Office - compliance with the requirements of legislation relating to data protection, freedom of information and environmental information law.
- Ofsted – matters relating to the registration of children’s homes and care homes and the inspection of education and children’s services

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- A Member of Parliament

A complete list of prescribed persons under the Employment Rights Act and the types of matters which may be disclosed to them can be found at <https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2>

9.2 If you choose to disclose to an external contact (other than a prescribed person) without first having raised your concerns internally, you will lose your right to protection under the law or under this Policy unless you can meet the following conditions:-

- o You reasonably believe the information or allegation is true
- o You are not motivated by personal gain
- o In all the circumstances, it is reasonable for you to make the disclosure and either:
  - a. You reasonably believe that if you disclose the information to the Council you will be subject to victimisation; OR
  - b. You reasonably believe that if you disclose the information to the Council, it will be covered up and there is no internal person to whom you can make the disclosure; OR
  - c. The relevant failure is of an exceptionally serious nature.

9.3 If you do take the matter outside the Council, you need to ensure that you do not disclose information which is either confidential or exempt from disclosure. This means that you must not, for example, disclose confidential committee reports, other confidential documents or confidential information that relates to clients and customers. If you are not sure whether information is considered to be confidential, you should check with one of the contact points listed at 3.7.

9.4 The Council will have regard to the identity of the person to whom you make the disclosure in determining whether it is reasonable for you to take the matter outside the Council. A disclosure to the media is unlikely to be regarded as reasonable.

## 10. The Responsible Officer

10.1 The Joint Managing Director (Resources Group) has overall responsibility for the maintenance and operation of this policy and will report as necessary to the County Council. A record of concerns raised within the County Council and the outcomes (in a form which does not endanger your confidentiality) is being created as a single register incorporating whistleblowing complaints made to Whistleblowing Advisers and managers in accordance with this policy and it will be maintained within Law and Governance. In schools, Governing Bodies are responsible for their own whistleblowing policies and for maintaining their own register of whistleblowing concerns.

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## Cabinet

10 October 2017

### Local Government & Social Care Ombudsman – Annual Review and Summary of Upheld Complaints

#### Recommendation

That Cabinet receive and comment on the annual review and summary of upheld complaints issued by the Local Government and Social Care Ombudsman in the financial year 2016/17.

#### 1.0 Background

- 1.1 Each year the Local Government and Social Care Ombudsman (LGSCO) produces a review letter which contains a summary of statistics on the complaints made about the Council for the year ended 31 March.
- 1.2 This report attaches a copy of the LGSCO's letter for 2016/17 (Appendix 1) and provides more detail in relation to the themes identified by the upheld cases (section 4). Reporting the LGSCO's findings to Cabinet aligns with the guidance recently provided by the new Ombudsman, Michael King, on the reporting of cases of maladministration to members.

#### 2.0 Upheld decisions in 2016/17

- 2.1 In the financial year 2016/17 56 complaints and enquiries were received by the LGSCO in respect of Warwickshire County Council. Out of the 57 decisions made by the LGSCO in this period (which includes a number received in the previous year) only 15 were subject to a detailed investigation and of these:
  - 11 complaints were upheld; and
  - 4 were not upheld.

This means that the Council has an upheld rate of 73% in respect of those complaints (15 in total) subjected to detailed investigation by the LGSCO. Whilst this seems high and some other comparator councils have a lower upheld rate, as mentioned later in this report, the number of upheld complaints about the Council is relatively low, compared to that of other comparator councils.

- 2.2 42 out of the 57 decisions made by the LGSCO in respect of the Council in this period did not require detailed investigations by the LGSCO and the

majority were referred back for local resolution or closed after initial enquiries were made. These figures can be seen in the table attached to the LGSCO's letter at Appendix 1.

2.3 All upheld complaints related to People Group cases and of these 10 were made in Statements of Reasons (where the Ombudsman is satisfied with the action the authority has taken or proposes to take and it would not be appropriate to issue a report). 1 Report was issued, which was reported to Regulatory Committee on 7<sup>th</sup> March 2017 who approved a payment of £2,000 to the complainant along with an apology; both of which were sent to the complainant around 14<sup>th</sup> March. As also required, a public notice was placed by the Council in respect of this Report in the Coventry Telegraph on 21<sup>st</sup> June 2017.

2.4 In 2 of the 11 upheld cases, the LGSCO found maladministration but causing no injustice. The themes from the 11 upheld are set out in section 4 below.

### **3.0 Comparison to previous years and other local authorities**

3.1 By way of comparison to previous years, the number of upheld complaints in 2016/17 is higher than last year but a reduction on the two previous years. Whilst there will be various reasons for the year on year variation in the number of upheld complaints, this data can be useful as a general guide to see how the Council is performing when it comes to complaints. The number of upheld complaints in previous years was as follows:

<b>Financial Year</b>	<b>Number of complaints upheld by the LGSCO</b>
2015/2016	4
2014/2015	18
2013/2014	19

3.2 Comparing the number of adverse decisions to other similar size or types of councils, the number of upheld complaints about the Council is at the lower end of the spectrum (the range across 10 comparator councils is between 6 and 37 upheld decisions). In addition, the number of the 11 upheld complaints that had already been satisfactorily remedied by the Council prior to LGSCO involvement was 5 which is high compared to other comparator councils who ranged between 0 and 3 of their upheld decisions.

### **4.0 Themes from upheld complaints and awareness raising**

4.1 In respect of the 11 upheld cases, there were 3 made in respect of Children's Services and 8 in respect of Adult Social Care and Support (1 being in relation to Strategic Commissioning).



4.2 The main themes identified from these upheld complaints and the actions arising are:

- Failures to adequately undertake assessments

This included assessments of needs for care and support in Adult Social Care, financial assessment in Adult Social Care, the lack of a proper assessment in relation to residency payments in Children's Safeguarding and not properly assessing the financial support that Special Guardians were entitled to in Children's Safeguarding. In many of these cases the LGSCO found that the Council had already taken adequate remedial action, but these findings demonstrate the importance of ensuring that we are undertaking our duties in a proper and timely manner to ensure that individuals obtain the support and assistance to which they are entitled.

- Delays in dealing with enquiries and complaints

This included dealing with a complaint about an assessment in Children's Safeguarding and in undertaking a review of needs for a residential care home in Adult Social Care which led a family to believe their mother might be placed in the home of her choice, when the placement was not appropriate. The LGSCO found in one of the complaints the delays had not caused significant injustice. In another it found there had and requested a payment and apology. In one Adult Social Care case, the LGSCO found that the Council had delayed considering all the options to meet the customer's needs and had not undertaken specific capacity assessments in relation to enabling a customer to move out of residential care into independent living. The LGSCO issued a formal Report to the Council (referred to above in 2.3). These findings demonstrate the importance of good communications with customers and partners and managing expectations appropriately.

- The Council remains responsible for the actions of commissioned providers

2 cases concerned the actions of commissioned providers. Both were in relation to Adult Social Care with 1 relating to missed and cancelled domiciliary care packages and the other to a care home being unable to locate the care records of the complainant's late mother. These findings demonstrate that whilst the Council can delegate the provision of services to external providers, it remains responsible for the quality and provision of the services and therefore needs to ensure that these arrangements are properly monitored and managed. In both these cases the LGSCO found that the Council and providers had already taken steps to remedy the situation and improve procedures to avoid similar issues in the future.

4.3 The LGCSO usually produces a report summarising the key themes across all local authorities, but this has not yet been produced at the time of writing. From other information that the LGCSO has published throughout the year, there seems to be an increasing number of social care related complaints not

just in Warwickshire but nationally. There is also a focus in commissioned care and partnership arrangements on ensuring that the body which is ultimately accountable for delivery of the service, or which is contacted by the complainant, takes responsibility for complaint resolution.

- 4.4 Officers have arrangements in place to ensure that the themes identified from our own cases and more widely from other LGSCO cases, are shared across the organisation as necessary so that lessons can be learnt and we will continue to keep these arrangements under review.

## 5.0 Reporting upheld complaints

- 5.1 Our performance in relation to LGSCO complaints is one of the Council's key performance indicators. We have a target of no more than 10 upheld decisions in each financial year. Performance against this target is reported quarterly to Cabinet as part of our standard reporting arrangements.
- 5.2 In addition to this, we will present the LGSCO's annual report to Cabinet on an annual basis and summarise the findings of the upheld complaints.
- 5.3 Specific, individual cases where there has been a significant finding of maladministration would be dealt with separately with a report coming to Cabinet on a case by case basis.
- 5.4 Separately, where there are recommendations of ex gratia payments to be made above £1000, there is a requirement for approval from the Regulatory Committee.

## Appendices

Appendix – LGSCO Annual Letter

## Background Papers

None

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The report was circulated to the following members prior to publication:

Local Member(s): N/A

Other members: Boad, Kaur, O'Rourke, Timms, Birdi

20 July 2017

*By email*

David Carter  
Joint Managing Director  
Warwickshire County Council

Dear David Carter,

### **Annual Review letter 2017**

I write to you with our annual summary of statistics on the complaints made to the Local Government and Social Care Ombudsman (LGO) about your authority for the year ended 31 March 2017. The enclosed tables present the number of complaints and enquiries received about your authority and the decisions we made during the period. I hope this information will prove helpful in assessing your authority's performance in handling complaints.

The reporting year saw the retirement of Dr Jane Martin after completing her seven year tenure as Local Government Ombudsman. I was delighted to be appointed to the role of Ombudsman in January and look forward to working with you and colleagues across the local government sector in my new role.

You may notice the inclusion of the '*Social Care Ombudsman*' in our name and logo. You will be aware that since 2010 we have operated with jurisdiction over all registered adult social care providers, able to investigate complaints about care funded and arranged privately. The change is in response to frequent feedback from care providers who tell us that our current name is a real barrier to recognition within the social care sector. We hope this change will help to give this part of our jurisdiction the profile it deserves.

### **Complaint statistics**

Last year, we provided for the first time statistics on how the complaints we upheld against your authority were remedied. This year's letter, again, includes a breakdown of upheld complaints to show how they were remedied. This includes the number of cases where our recommendations remedied the fault and the number of cases where we decided your authority had offered a satisfactory remedy during the local complaints process. In these latter cases we provide reassurance that your authority had satisfactorily attempted to resolve the complaint before the person came to us.

We have chosen not to include a 'compliance rate' this year; this indicated a council's compliance with our recommendations to remedy a fault. From April 2016, we established a new mechanism for ensuring the recommendations we make to councils are implemented, where they are agreed to. This has meant the recommendations we make are more specific, and will often include a time-frame for completion. We will then follow up with a council and seek evidence that recommendations have been implemented. As a result of this new process, we plan to report a more sophisticated suite of information about compliance and service improvement in the future.

This is likely to be just one of several changes we will make to our annual letters and the way we present our data to you in the future. We surveyed councils earlier in the year to find out, amongst other things, how they use the data in annual letters and what data is the most useful; thank you to those officers who responded. The feedback will inform new work to

provide you, your officers and elected members, and members of the public, with more meaningful data that allows for more effective scrutiny and easier comparison with other councils. We will keep in touch with you as this work progresses.

I want to emphasise that the statistics in this letter comprise the data we hold, and may not necessarily align with the data your authority holds. For example, our numbers include enquiries from people we signpost back to the authority, but who may never contact you.

In line with usual practice, we are publishing our annual data for all authorities on our website. The aim of this is to be transparent and provide information that aids the scrutiny of local services.

### **The statutory duty to report Ombudsman findings and recommendations**

As you will no doubt be aware, there is duty under section 5(2) of the Local Government and Housing Act 1989 for your Monitoring Officer to prepare a formal report to the council where it appears that the authority, or any part of it, has acted or is likely to act in such a manner as to constitute maladministration or service failure, and where the LGO has conducted an investigation in relation to the matter.

This requirement applies to all Ombudsman complaint decisions, not just those that result in a public report. It is therefore a significant statutory duty that is triggered in most authorities every year following findings of fault by my office. I have received several enquiries from authorities to ask how I expect this duty to be discharged. I thought it would therefore be useful for me to take this opportunity to comment on this responsibility.

I am conscious that authorities have adopted different approaches to respond proportionately to the issues raised in different Ombudsman investigations in a way that best reflects their own local circumstances. I am comfortable with, and supportive of, a flexible approach to how this duty is discharged. I do not seek to impose a proscriptive approach, as long as the Parliamentary intent is fulfilled in some meaningful way and the authority's performance in relation to Ombudsman investigations is properly communicated to elected members.

As a general guide I would suggest:

- Where my office has made findings of maladministration/fault in regard to routine mistakes and service failures, and the authority has agreed to remedy the complaint by implementing the recommendations made following an investigation, I feel that the duty is satisfactorily discharged if the Monitoring Officer makes a periodic report to the council summarising the findings on all upheld complaints over a specific period. In a small authority this may be adequately addressed through an annual report on complaints to members, for example.
- Where an investigation has wider implications for council policy or exposes a more significant finding of maladministration, perhaps because of the scale of the fault or injustice, or the number of people affected, I would expect the Monitoring Officer to consider whether the implications of that investigation should be individually reported to members.
- In the unlikely event that an authority is minded not to comply with my recommendations following a finding of maladministration, I would always expect the Monitoring Officer to report this to members under section five of the Act. This is an exceptional and unusual course of action for any authority to take and should be considered at the highest tier of the authority.

The duties set out above in relation to the Local Government and Housing Act 1989 are in addition to, not instead of, the pre-existing duties placed on all authorities in relation to Ombudsman reports under The Local Government Act 1974. Under those provisions, whenever my office issues a formal, public report to your authority you are obliged to lay that report before the council for consideration and respond within three months setting out the action that you have taken, or propose to take, in response to the report.

I know that most local authorities are familiar with these arrangements, but I happy to discuss this further with you or your Monitoring Officer if there is any doubt about how to discharge these duties in future.

### **Manual for Councils**

We greatly value our relationships with council Complaints Officers, our single contact points at each authority. To support them in their roles, we have published a Manual for Councils, setting out in detail what we do and how we investigate the complaints we receive. When we surveyed Complaints Officers, we were pleased to hear that 73% reported they have found the manual useful.

The manual is a practical resource and reference point for all council staff, not just those working directly with us, and I encourage you to share it widely within your organisation. The manual can be found on our website [www.lgo.org.uk/link-officers](http://www.lgo.org.uk/link-officers)

### **Complaint handling training**

Our training programme is one of the ways we use the outcomes of complaints to promote wider service improvements and learning. We delivered an ambitious programme of 75 courses during the year, training over 800 council staff and more 400 care provider staff. Post-course surveys showed a 92% increase in delegates' confidence in dealing with complaints. To find out more visit [www.lgo.org.uk/training](http://www.lgo.org.uk/training)

Yours sincerely

A handwritten signature in black ink, appearing to read 'M King', with a stylized flourish at the end.

Michael King  
Local Government and Social Care Ombudsman for England  
Chair, Commission for Local Administration in England

**Local Authority Report:** Warwickshire County Council  
**For the Period Ending:** 31/03/2017

For further information on how to interpret our statistics, please visit our website:  
<http://www.lgo.org.uk/information-centre/reports/annual-review-reports/interpreting-local-authority-statistics>

## Complaints and enquiries received

Adult Care Services	Benefits and Tax	Corporate and Other Services	Education and Children's Services	Environment Services	Highways and Transport	Housing	Planning and Development	Other	Total
26	0	2	18	3	7	0	0	0	56

## Decisions made

Decisions made				Detailed Investigations			
Incomplete or Invalid	Advice Given	Referred back for Local Resolution	Closed After Initial Enquiries	Not Upheld	Upheld	Uphold Rate	Total
4	1	23	14	4	11	73%	57

### Notes

Our uphold rate is calculated in relation to the total number of detailed investigations.  
 The number of remedied complaints may not equal the number of upheld complaints. This is because, while we may uphold a complaint because we find fault, we may not always find grounds to say that fault caused injustice that ought to be remedied.

### Complaints Remedied

by LGO	Satisfactorily by Authority before LGO Involvement
6	5

## Cabinet

10 October 2017

### Capital Investment Fund – 2017/18 Quarter 2 Proposed Allocations

#### Recommendation

That Cabinet:

- 1) Approve the investment of £2.000 million into the sub-regional Duplex Fund, providing capital grants and loans to businesses across Warwickshire.
- 2) Approve the use of £0.300 million to provide small capital grants to businesses across Warwickshire.
- 3) Following satisfactory completion of all due diligence, authorises the Joint Managing Director for Communities to enter into all contracts necessary to deliver the two projects on terms and conditions acceptable to the Joint Managing Director for Resources.

#### 1. Purpose of the Report

- 1.1. As part of the 2017/18 budget Council approved the creation of the Capital Investment Fund to provide an approach to funding capital schemes in support of the delivery of OOP 2020. The Fund currently has £45.935 million resources remaining to be allocated over the next three years.
- 1.2. As part of operationalising this capital strategy Members approved a four stage approval process for projects seeking funding from the Capital Investment Fund (CIF) that would be run on a quarterly basis:
  - Stage 1: A service specific internal approval process, the conclusion of which is a bid to an Evaluation Panel submitted by the relevant Head of Service.
  - Stage 2: The CIF Evaluation Panel provide a technical evaluation and commentary on the proposal that results in a recommendation to Corporate Board.



- **Stage 3:** Corporate Board review the evaluation and support/reject the proposal going forward to Members.
- **Stage 4:** For those schemes Corporate Board support, Cabinet/Council approve/reject the allocation. If approved the scheme is added to the authority's capital programme.

1.3. This report forms Stage 4 of the process for the second quarter of 2017/18, with two bids being brought forward for approval, requesting a maximum allocation of £2.300 million. The table below lists the bids and the appendix that contains a summary of the Evaluation Panel's assessment for Corporate Board that has been attached to aid Member's decision-making.

<b>Bid Title</b>	<b>CIF Funding Request £m</b>	<b>Evaluation Score</b>	<b>Appendix</b>
Duplex Fund	2.000	77.5%	<b>A</b>
Small capital grants for businesses	0.300	67%	<b>B</b>
<b>Total</b>	<b>2.300</b>		

- 1.4. A comparison the four schemes approved in Quarter 1 had evaluation scores of between 59.5% and 74%.
- 1.5. The remainder of this report outlines a description of each of the schemes and the impact on the CIF of the recommendations from Corporate Board.

## **2. Description of the Schemes**

### **2.1. Duplex Fund**

A £2.000 million allocation from the CIF to provide a programme of loan and grant funding to small and medium sized Warwickshire businesses. The project aims to address identified failures in the access to finance for businesses looking to grow. It will supplement broadly equivalent funding already approved by Coventry City Council (CCC) and CWLEP for the Duplex Fund.

### **2.2. Small Capital Grants Scheme**

A £0.300 million small capital grants programme for small businesses with growth plans where loans and other sources of finance are not appropriate. This funding would be for 2018/19 only after which the outcomes of the programme (and its predecessor funded from the previous Capital Growth

Fund) will be undertaken to assess its success before further allocations are made.

### 3. Impact on the Capital Investment Fund

3.1. There is currently £45.935 million in the CIF available for allocation over the next three years. Table 2 shows how the recommended allocations impact on the total amount available, whilst retaining a minimum of £7.5 million for allocation in any future year.

3.2. There are no unfunded running costs or liabilities for the County Council as a result of investing in these projects. Once the projects are complete the revenue cost of servicing the borrowing will be approximately £184,000 a year. Provision for this cost forms part of 2017-20 medium term financial plan.

	2017/18	2018/19	2019/20	Future Years	Total
	£m	£m	£m	£m	£m
Funding Available in April 2017	41.252	7.455	7.500	-	56.207
<u>Less Quarter 1 CIF allocations:</u>					
• A444 Corridor Improvements Phase 2	-0.420	-3.850	-	-	-4.270
• A3400 Birmingham Road, Stratford	-0.150	-0.350	-3.000	-	-3.500
• Fire Headquarters	-1.441	-0.841	-0.120	-	-2.402
• WRFS Water Training	-0.150	-0.350	-	-	-0.500
<u>Less Quarter 1 CIF allocations</u>					
• Duplex Fund	-	-0.480	-0.600	-0.920	-2.000
• Small Capital Grants Programme	-	-0.300	-	-	-0.300
Reallocation of funding between years	-10.856	6.216	3.720	0.920	0.000
<b>Remaining Fund Balance</b>	<b>28.235</b>	<b>7.500</b>	<b>7.500</b>	<b>-</b>	<b>43.235</b>

### 4. Background Papers

None

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Joint Managing Director	David Carter	<a href="mailto:davidcarter@warwickshire.gov.uk">davidcarter@warwickshire.gov.uk</a>

Portfolio Holder	Councillor Peter Butlin	peterbutlin@warwickshire.gov.uk
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This report was circulated to the following members prior to publication:

Local Members: N/A

Other Members: Councillors Butlin, Timms, Singh Birdi, O'Rourke, Boad

## Evaluation of the Duplex Fund

### 1. Proposal

- 1.1. A £2.000 million allocation from the Capital Investment Fund to provide a programme of loans and grant funding to Warwickshire businesses.
- 1.2. The project aims to address identified failures in the access to finance Warwickshire businesses. The £2 million from the Council that will supplement funding already approved by Coventry City Council (CCC) and CWLEP to provide a combination of loan and grant funding to small and medium sized businesses looking to invest and grow. The County Council will work with CCC and CWLEP and a specialist fund manager to the deliver Duplex Fund. As a revolving fund it is anticipated this will provide an additional £10 million investment over the medium to long term.
- 1.3. The proposal has been submitted to the Capital Investment Fund under the strategic investment/economic growth category.

### 2. Evaluation Summary

- 2.1. The evaluation score for the scheme is 77.5%. The breakdown across the four categories is shown in Table 1.

Category	Score (out of 5)	Weight	Weighted Score (out of 100)
Alignment with the organisations strategic objectives	3.5	15%	10.5
Financial viability	4	30%	24
Strategic Investment/Economic benefit	4	45%	36
Political, social and environmental impact	3.5	10%	7
<b>Total</b>			<b>77.5</b>

- 2.2. On the basis of the information provided in the business case, the allocation of £2.000 million from the Capital Investment Fund requested is recommended for approval.

- 2.3. The project will be delivered across Warwickshire. It will be managed by the Economy, Business and Skills Team in the Transport and Economy Business Unit (who currently manage or manage and deliver a number of 'access to finance' projects for businesses) and delivered in partnership with CWLEP, Coventry City Council and a specialist Financial Conduct Authority regulated fund manager.

### **3. Alignment with the Organisation's Strategic Objectives** *(score 3.5 out of 5)*

- 3.1. The bid is consistent with and supports the OOP 2020 priority of "the economy is vibrant and supported by the right infrastructure".
- 3.2. The proposal fits well with partner strategies and elements and specifically involves Coventry City Council and CWLEP. Supporting enterprise and innovation is also one of the five key objectives in the recently launched Midlands Engine Strategy. The Midlands Engine plans include a £250 million Investment Fund. This fund will cover all aspects of our local project and is funded by the European Investment Bank, ERDF and the British Business Bank. This means there is a risk of duplication/overlap, although the Midlands Engine Fund is not expected to meet demand in Warwickshire and therefore approving this project will supplement this fund.
- 3.3. The benefits of the investment in terms of jobs created are long term (10+ years). It is for this reason that the proposal scored 3.5 out of 5 for alignment with the organisation's strategic objectives.

### **4. Financial Viability** *(score 4 out of 5)*

- 4.1. External funding of £1.150 million has been secured for the project with a further £1.545 million estimated, bringing a total of £2.695 million to be leveraged as a result of the investment. (£23.3 million) is expected to be leveraged through the proposal, although only £1.5 million of this, so far, is secured. 35% of total anticipated spend (54% of WCC spend) is forecast to be incurred within the OOP 2020 plan period. There remains a risk that the level of match funding anticipated will not materialise and therefore the delivery of the expected benefits reduced.
- 4.2. The overall programme is based on an analysis of the current access to finance market undertaken by Tim Powell Business Consultancy to build an

understanding of gaps in support and consideration of the role the Council could play and a recent West Midlands assessment of the unmet demand for SME finance in Coventry and Warwickshire by DCLG and the European Investment Bank.

- 4.3. The scheme requires a degree of specialist external expertise to ensure informed decisions are made. All investment advice is required to be Financial Conduct Authority (FCA) regulated and this service would need to be commissioned by the Fund partners.
- 4.4. The potential financial returns from the date of investment are long-term, up to 15 years for the Duplex Fund, although there will be revenue interest earned in the intervening period on any loans made that will be reinvested.
- 4.5. The scheme has been designed to meet particular needs and gaps in provision. Whilst this is accepted, the proposal is similar to a range of other schemes, funded by other public/private bodies, that are aiming to deliver similar aims and care will be needed to ensure the scheme does not duplicate or overlap with other initiatives.
- 4.6. It is for the reasons outlined above that the Panel scored 4 out of 5 for financial viability.

## **5. Strategic Investment/Economic Growth** ***(score 4 out of 5)***

- 5.1. The business case and supplementary information provided, demonstrates strong evidence of the economic benefits in terms of job creation and GVA growth. This is set out below:
  - Number of Business Suppliers supported - 182
  - Number of jobs created/ safeguarded - 653
  - Cost per job (total) - £7,200
  - Cost per job (WCC) - £3,100
  - Net increase in Gross Value Added - £39.2 million
  - Return on investment for WCC (per £1 million invested) - £19.60
- 5.2. The benefits of the Duplex Fund in terms of the return on investment, the number of businesses supported and the number of jobs created is higher than that for similar loans/grants programmes run in previous years.
- 5.3. There will be an element of project failure. However, the programme recognises this and tests deliverability as part of the scheme-by-scheme

appraisal process. The appraisal process considers issues such as any need for planning permission, the availability of other funding, the experience of the project team, the timescales and project risks.

- 5.4. It is these reservations that led to the scheme scoring 4 out of 5 for economic benefits.

## **6. Political, Social, Environmental and Organisational Impact** *(score 3.5 out of 5)*

- 6.1. Overall the political, social, environmental and organisational impact of the project was relatively neutral:
- The investment in economic growth that will provide political/reputational benefits, although given the nature of the scheme these would be relatively long term.
  - It is a good example of successful partnership working at the sub-regional level.
  - There would be minimal organisational impact as work will be undertaken in conjunction with Coventry City Council, CWLEP and specialist fund managers.

## Evaluation of the Warwickshire Business Small Capital Grant Programme

### 1. Proposal

- 1.1. A £0.300 million allocation from the Capital Investment Fund as the first year of a programme potentially increasing to £1.000 million by 2020/21 to provide a programme grant funding to Warwickshire businesses.
- 1.2. The project aims to address identified failures in the private access to Warwickshire businesses. The programme will target small businesses with growth plans where loans and other sources of finance are not appropriate.
- 1.3. The proposal has been submitted to the Capital Investment Fund under the strategic investment/economic growth category.

### 2. Evaluation Summary

- 2.1. The evaluation score for the scheme is 67%. The breakdown across the four categories is shown in Table 1.

Category	Score (out of 5)	Weight	Weighted Score (out of 100)
Alignment with the organisations strategic objectives	3.5	15%	10.5
Financial viability	3.5	30%	18
Strategic Investment/Economic benefit	3.5	45%	31.5
Political, social and environmental impact	3.5	10%	7
<b>Total</b>			<b>67</b>

- 2.2. On the basis of the information provided in the business case, an allocation of £0.300 million from the Capital Investment Fund is recommended for approval.
- 2.3. The project will be delivered across Warwickshire. It will be managed by the Economy, Business and Skills Team in the Transport and Economy Business Unit (who currently manage or manage and deliver a number of 'access to finance' projects for businesses).



### **3. Alignment with the Organisation's Strategic Objectives** *(score 3.5 out of 5)*

- 3.1. The bid is consistent with and supports the OOP 2020 priority of "the economy is vibrant and supported by the right infrastructure".
- 3.2. The proposal fits well with partner strategies and the investment in the Duplex Fund for which approval is also being sought. Supporting enterprise and innovation is also one of the five key objectives in the recently launched Midlands Engine Strategy, although over such a wide region, the individual businesses supported by this scheme are likely to have minimal opportunity to access the larger investment funds set up under this umbrella such as the £250 million Investment Fund funded by the European Investment Bank, ERDF and the British Business Bank.
- 3.3. The benefits of the investment in terms of jobs created are long term (10+ years). It is for this reason that the proposal scored 3.5 out of 5 for alignment with the organisation's strategic objectives.

### **4. Financial Viability** *(score 3.5 out of 5)*

- 4.1. External funding of £0.400 million is expected to be leveraged as a result of the investment, although to date none of this is secured and this remains a risk. All of the anticipated spend is forecast to be incurred within the OOP 2020 plan period.
- 4.2. The overall programme is based on an analysis of the current access to finance market undertaken by Tim Powell Business Consultancy to build an understanding of gaps in support and consideration of the role the Council could play and a recent West Midlands assessment of the unmet demand for SME finance in Coventry and Warwickshire by DCLG and the European Investment Bank.
- 4.3. The scheme has been designed to meet particular needs and gaps in provision. Individual businesses will be eligible for consideration for support depending on their circumstances including their size, availability of their own funding and the size of the proposed investment (i.e. the funding required). There remains a need to ensure the scheme does not duplicate or overlap with other initiatives.

- 4.4. The funding for the business grants schemes is a continuation of an existing programme which provides confidence in the viability of the proposal. It will always be possible to turn off funding if circumstances change thereby, indicating the programme is sustainable as it creates no long term commitment. However, the risk that the longer any fixed term programme of funding is available the greater the likelihood that an expectation that the funding will be available permanently is created, will remain.
- 4.5. It is for the reasons outlined above that the Panel scored 3.5 out of 5 for financial viability.

## **5. Strategic Investment/Economic Growth (score 3.5 out of 5)**

- 5.1. The business case and supplementary information provided, demonstrates strong evidence of the economic benefits in terms of job creation and GVA growth. This is set out below:
- Number of Business Suppliers supported - 40
  - Number of jobs created/ safeguarded - 50
  - Cost per job (total) - £50,000
  - Cost per job (WCC) - £20,000
  - Net increase in Gross Value Added - £9.4 million
  - Return on investment for WCC (per £1 million invested) - £9.40
- 5.2. Whilst the cost per job is higher than the Duplex Fund, partly due to the former's revolving nature the estimated return on investment is higher than that for similar loans/grants programmes run in previous years. To date the small capital grants programme has allocated £921,000 to 40 businesses which has created 30 jobs (and is forecast to create over 125). This demonstrates that the realisation of the benefits is broadly in line with the initial expectations and is also consistent with the forecast numbers of jobs to be created and estimated returns on investment included in this bid. Therefore the evidence would suggest that the benefits being forecast are deliverable.
- 5.3. There will be an element of project failure. However, the programme recognises this and tests deliverability as part of the scheme-by-scheme appraisal process. The appraisal process considers issues such as any need for planning permission, the availability of other funding, the experience of the project team, the timescales and project risks. Grants are also paid in arrears and if circumstances change funding can be withdrawn and allocated to other projects.

- 5.4. It is proposed that the initial allocation is for one year only and that a review, to ensure benefits continue to be delivered at the same level, is undertaken before a decision is taken on whether to continue the programme into future years.
- 5.5. It is these reservations that led to the scheme scoring 3.5 out of 5 for economic benefits.

## **6. Political, Social, Environmental and Organisational Impact (score 3.5 out of 5)**

- 6.1. Overall the political, social, environmental and organisational impact of the project was relatively neutral:
- The investment in economic growth that will provide political/reputational benefits, although given the nature of the scheme these would be relatively long term.
  - There would be minimal organisational impact as the funding will support the continuation of an existing programme of work into 2018/19.