

PART 1 - PUBLIC

Decision Maker: Adult and Community Services Portfolio Holder

For Pre-decision Scrutiny by the Adult and Community Services PDS Committee on 14th April 2010

Date: 14th April 2010

Decision Type: Non-Urgent Executive Key

Title: **ADULT AND COMMUNITY SERVICES GRANTS IN CONTINGENCY 2010/11**

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Chief Officer: Terry Rich, Director of Adult & Community Services

Ward: Borough Wide

1. Reason for report

- 1.1 This report provides an overview of the grants held in the 2010/11 central contingency relating to the Adult and Community Services Portfolio and requests that the grants be released into the Portfolio budget.
- 1.2 At the meeting of the Adult and Community Policy, Development and Scrutiny Committee on 24th February a report entitled "2010/11 Grants Report" was considered. This report reviewed the range of grants deployed within the ACS Portfolio, considered the risk of dependency on such grants, and summarised the exit strategies that are in place to cope with the eventual cessation of the grants.

2. ----**RECOMMENDATION(S)**

The Portfolio Holder is asked to request the Executive to release the Mental Capacity Act Grant and the increase in Carers Grant from the central contingency into the Adult and Community Portfolio budget for 2010/11.

Corporate Policy

1. Policy Status: Existing policy. Sound Financial Management, Building a Better Bromley
 2. BBB Priority: Supporting Independence.
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Financial

1. Cost of proposal: Estimated cost £212k
 2. Ongoing costs: Recurring cost.
 3. Budget head/performance centre: Adult & Community Services Carers Grant and Mental Capacity Act Grant
 4. Total current budget for this head: £1,376k
 5. Source of funding: Area Based Grant
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Staff

1. Number of staff (current and additional): 1 fte post directly funded by Mental Capacity Act Grant.
 2. If from existing staff resources, number of staff hours: N/A
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Legal

1. Legal Requirement: Statutory requirement. Mental Capacity Act 2005, Carers and Disabled Children Act 2000.
 2. Call-in: Call-in is applicable
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Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Boroughwide - the grants detailed in this report reflect various services covering a wide range of customers and users of the services.
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Ward Councillor Views

1. Have Ward Councillors been asked for comments? N/A.
2. Summary of Ward Councillors comments: N/A

3. COMMENTARY

- 3.1 As part of the 2008/09 budget setting process, Members agreed that any new grant funding or significant increases above inflation for existing grant funding would be held in the central contingency and that any utilisation of these additional grant monies would require the approval of the Executive. The same policy has been adopted for the 2009/10 and 2010/11 budget setting process.
- 3.2 Grants relating to the Adult and Community Services Portfolio currently held in the 2010/11 contingency are shown in the table below and are based on best information available at the present time. There may be further government announcements varying the amounts shown below or introducing additional grants.

Grants in Central Contingency	2010/11 £'000
Mental Capacity Act	135
Carers Grant	77
Total Adult and Community Services Portfolio	212

3.3 Mental Capacity Act

The Mental Capacity Act 2005 sets out the principles and mechanisms for making personal welfare, health care and financial decisions affecting adults aged 16 years or over who lack the mental capacity to make such decisions themselves. This applies to all care groups. Decisions made should be made in the service users 'best interests' and may include consent to serious medical treatment or to changes of residence (e.g. moving care homes or hospital). The Local Authority has a statutory responsibility to ensure an assessment of an individual's capacity and to meet the requirements of the Act if they lack capacity. The grant covers three areas of work:

(i) Independent Mental Capacity Advocate (IMCA) Service

The Act made it a legal requirement for people lacking mental capacity to have independent advocacy when there are no known relatives or close friends to speak for them. This service is provided through a contract between Bromley, Greenwich and Bexley with Cambridge House and provides a service to approximately 120 clients per year. The contract is for 3 years with an option of a year's extension. This spend continues through 2009/10 and 2010/11.

(ii) Mental Capacity Act Training and Awareness

Training has been provided for professional staff teams and service providers within Bromley. There is a continuing training requirement and a programme has been designed with the Learning & Development division. In addition, specialist external training for Deprivation of Liberty Safeguards best interest assessors is being accessed. A programme of specialist training for all professionals will continue over the period 2009/10 and 2010/11. After that time, any ongoing training will have to be contained within other social care training programmes.

(iii) Deprivation of Liberty Safeguards

The Act gives Local Authorities and Primary Care Trusts statutory responsibility to carry out “Best Interest Assessments” to establish if an individual should be deprived of their liberty. This funding provides additional professional capacity to undertake these assessments within the tight statutory timescales allowed to determine whether restrictions on an individual’s liberty imposed by a care home or hospital service can be justified as within their “best interests”. In addition, Relevant Persons Representatives (a specialist advocacy function) is statutorily required for individuals subject to a Deprivation of Liberty Safeguard. This service will be spot purchased as and when required.

- 3.4 On 30th March 2009, the Executive received a report detailing the proposed use of the grant allocations for 2009/10 and 2010/11 and agreed to the drawdown of £141k in 2009/10 to support the delivery of statutory responsibilities under the Mental Capacity Act. The grant has reduced slightly in 2010/11 and £135k is currently held in the central contingency.
- 3.5 The spending proposals as approved by the Executive on 30th March 2009, together with current year projections, are as follows:

	2009/10 Budget £'000	2009/10 Projection £'000	2010/11 Plan £'000
Independent Mental Capacity Advocate (IMCA) Service	32	32	32
Training and Awareness	23	39	17
Deprivation of Liberty Safeguards (DOLS) *	45	29	45
Care Management Post (DOLS) - 1fte	41	41	41
Total	141	141	135

* originally £16k of this funding was earmarked for Relevant Persons Representatives but has been diverted to safeguarding and training activities as the volume of activity was lower than budgeted in 2009/10. Expenditure for training and awareness in 2009/10 includes training relating to Deprivation of Liberty Safeguards. It is difficult to accurately predict activity levels in this area but Deprivation of Liberty assessments are expected to increase in 2010/11 because of a predicted increase in the number of referrals.

- 3.6 It is unclear whether grant funding will continue beyond 2010/11 and, should funding cease, the department will need to consider alternative ways of providing this service should there be no capacity to absorb expenditure within existing departmental budgets.

3.7 Carers Grant

The main purpose of this grant is to enhance provision of community care and children’s services to allow carers to take a break from caring, stimulate greater awareness by authorities of the need for the services in their area to be more responsive to the needs of carers and to provide carers with services other than breaks, in keeping with the Carers and Disabled Children Act 2000. The 2009/10 total allocation of £1,214k was allocated directly into the ACS Portfolio budget and, although current budget monitoring reports indicate an underspend of £54k, this reflects the expenditure head directly attributed to the Carers Grant and does not

reflect additional budget pressures in other areas of the department relating to support for carers which this underspend is being used to fund.

- 3.8 The 2010/11 grant has increased to £1,291k, an increase of £77k. The ACS portfolio budget includes grant funding at the existing level of £1,214k with the increase being allocated to the central contingency requiring the approval of the Executive to draw down.
- 3.9 The current year budget, projected outturn and 2010/11 expenditure plan is shown in the table below:

	2009/10 Budget £'000	2009/10 Projection £'000	2010/11 Plan £'000
Respite and Support Services to Carers	440	440	403
Voluntary Sector Contracts and SLAs	454	454	479
Development Work and Projects	61	61	66
Increase in Dementia Day Services	0	0	27
Children & Family Services	243	243	258
Quality Assurance	8	8	8
Total Expenditure	1,206	1,206	1,241
Financed by:			
2009/10 Grant Allocation	1,214	1214	1,291
Carry Forward from 2008/09 *	42	42	0
Budget Savings #	-50	-50	-50
Total Funding	1,206	1,206	1,241

* the 2008/09 underspend arose from slippage in schemes, mainly as a result of staff changes. The carry forward has been used to fund several time limited programmes and projects in 2009/10 , for example a telephone helpline, the carers emergency respite database, and the introduction of carers self-assessment.

as part of the 2009/10 budget process, savings of £50k were identified relating to services funded through the Carers Grant. These savings are ongoing and, as such, have been reflected in the 2010/11 spending plan.

- 3.10 In line with Department of Health Guidelines, 20% of the grant is used to fund services within the Children and Families Portfolio aimed at providing carers breaks for young carers. The 2010/11 spending plan has been updated to reflect this.
- 3.11 There are potential further pressures arising from increased numbers of Older People with dementia and further increases in the number of adults with Learning Disabilities which will result in the need for additional respite or day services to provide breaks for their carers. Also, demand on the Carers budget is forecast to increase with a need to provide additional support to ageing carers.

4. POLICY IMPLICATIONS

- 4.1 “Building a Better Bromley” refers to the Council’s intention to remain amongst the lowest Council Tax levels in Outer London. Strict budgetary control continues in 2009/10 and 2010/11 to minimise the risk of compounding pressures in future years.
- 4.2 The grants concerned contribute to the delivery of Building a Better Bromley priorities and the Adult and Community Portfolio Plan.

5. FINANCIAL IMPLICATIONS

- 5.1 The 2010/11 central contingency includes two grants totalling £212k relating to the Adult and Community Portfolio. Both of these grants are Area Based and, although not specifically ring-fenced, are allocated for particular purposes. The government’s performance assessment framework embeds targets to measure the delivery of the objectives associated with these purposes.
- 5.2 As with all other grant allocations, the government can reduce or end the grants at any time and the Council would suffer such a reduction in funding. Further detail about these grants, including the risks of dependency and exit strategies in place to cope with the eventual cessation of the grants is included in the “2010/11 Grants Report” to the Adult and Community PDS Committee on 24th February 2010.

6. LEGAL IMPLICATIONS

- 6.1 The Mental Capacity Act Deprivation of Liberty safeguards were introduced into the Mental Capacity Act 2005 through the Mental Health Act 2007 and came into force as from April 2009. The report sets out some of the duties we have under that Act.
- 6.2 The Carers and Disabled Children Act 2000 makes provision about the assessment of carers’ needs and the provision of services to help carers. The main purpose of the Carers grant is to enhance provision of community care and children’s services and to provide carers with services other than breaks, in keeping with this Act. The Carers Grant is intended to enable local authorities to continue to develop innovative and personalised outcomes reflecting the needs of their local carer population and forms part of the Government’s strategy for carers, originally set out in *Caring about Carers* published in 1999.

7. PERSONNEL IMPLICATIONS

- 7.1 In the event that these grants were to cease, there may be redundancy implications for any staff directly funded by these grants. This would be managed in line with the Council’s HR procedures for managing change which includes a redeployment framework. Employees would be briefed and consulted on the impact of the funding proposals on their employment and every effort would be made to redeploy them.

Non-Applicable Sections:	None
Background Documents: (Access via Contact Officer)	2010/11 Grants Report – ACS PDS Committee 24 th February 2010 Mental Capacity Act Grant Release – Executive 30 th March 2009