

Worcestershire County Council

# Agenda

## Cabinet

**Thursday, 24 March 2022, 10.00 am**  
**County Hall, Worcester**

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## DISCLOSING INTERESTS

There are now 2 types of interests:  
**'Disclosable pecuniary interests'** and **'other disclosable interests'**

### WHAT IS A 'DISCLOSABLE PECUNIARY INTEREST' (DPI)?

- Any **employment**, office, trade or vocation carried on for profit or gain
- **Sponsorship** by a 3<sup>rd</sup> party of your member or election expenses
- Any **contract** for goods, services or works between the Council and you, a firm where you are a partner/director, or company in which you hold shares
- Interests in **land** in Worcestershire (including licence to occupy for a month or longer)
- **Shares** etc (with either a total nominal value above £25,000 or 1% of the total issued share capital) in companies with a place of business or land in Worcestershire.

**NB Your DPIs include the interests of your spouse/partner as well as you**

### WHAT MUST I DO WITH A DPI?

- **Register** it within 28 days and
- **Declare** it where you have a DPI in a matter at a particular meeting
  - you must **not participate** and you **must withdraw**.

**NB It is a criminal offence to participate in matters in which you have a DPI**

### WHAT ABOUT 'OTHER DISCLOSABLE INTERESTS'?

- No need to register them but
- You must **declare** them at a particular meeting where:  
You/your family/person or body with whom you are associated have a **pecuniary interest** in or **close connection** with the matter under discussion.

### WHAT ABOUT MEMBERSHIP OF ANOTHER AUTHORITY OR PUBLIC BODY?

You will not normally even need to declare this as an interest. The only exception is where the conflict of interest is so significant it is seen as likely to prejudice your judgement of the public interest.

### DO I HAVE TO WITHDRAW IF I HAVE A DISCLOSABLE INTEREST WHICH ISN'T A DPI?

Not normally. You must withdraw only if it:

- affects your **pecuniary interests OR** relates to a **planning or regulatory** matter
- **AND** it is seen as likely to **prejudice your judgement** of the public interest.

### DON'T FORGET

- If you have a disclosable interest at a meeting you must **disclose both its existence and nature** – 'as noted/recorded' is insufficient
- **Declarations must relate to specific business** on the agenda
  - General scattergun declarations are not needed and achieve little
- Breaches of most of the **DPI provisions** are now **criminal offences** which may be referred to the police which can on conviction by a court lead to fines up to £5,000 and disqualification up to 5 years
- Formal **dispensation** in respect of interests can be sought in appropriate cases.

## Cabinet

**Thursday, 24 March 2022, 10.00 am, County Hall**

**Membership:** Cllr Simon Geraghty (Chairman), Cllr Alan Amos, Cllr Marc Bayliss, Cllr Matt Dormer, Cllr Adrian Hardman (Vice Chairman), Cllr Marcus Hart, Cllr Adam Kent, Cllr Karen May, Cllr Tony Miller and Cllr Andy Roberts

## Agenda

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1	<b>Apologies and Declarations of Interest</b>	
2	<b>Public Participation</b> Members of the public wishing to take part should notify the Assistant Director for Legal and Governance in writing or by e-mail indicating both the nature and content of their proposed participation no later than 9.00am on the working day before the meeting (in this case Wednesday 23 March 2022). Further details are available on the Council's website. Enquiries can also be made through the telephone number/e-mail address listed on the website and in the agenda.	
3	<b>Confirmation of the Minutes of the previous meeting</b> The Minutes of the meeting of 3 February 2022 have been previously circulated.	
4	<b>Worcestershire Response to Invasion of Ukraine</b>	1 - 6
5	<b>Worcestershire Children First Business Plan 2022/23</b>	7 - 14
6	<b>Worcestershire Rail Investment Strategy</b>	15 - 18
7	<b>Domestic Abuse Act 2021 Update</b>	19 - 22
8	<b>Adult Social Care - Local Account 2021/22</b>	23 - 24
9	<b>Adult Social Care - Joint Continuing Health Care Partnership Policy</b>	25 - 32
10	<b>Section 75 Agreement Between Worcestershire County Council and Herefordshire and Worcestershire CCG</b>	33 - 36

Agenda produced and published by Abraham Ezekiel, Assistant Director for Legal and Governance, County Hall, Spetchley Road, Worcester WR5 2NP

To obtain further information or a copy of this agenda contact Sheena Jones, Democratic Governance and Scrutiny Manager on Worcester (01905) 846011 or email: [DemocraticServices@worcestershire.gov.uk](mailto:DemocraticServices@worcestershire.gov.uk)

All the above reports and supporting information can be accessed via the Council's website.

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**NOTES**

- **Webcasting**

Members of the Cabinet are reminded that meetings of the Cabinet are Webcast on the Internet and will be stored electronically and accessible through the Council's Website. Members of the public are informed that if they attend this meeting their images and speech may be captured by the recording equipment used for the Webcast and may also be stored electronically and accessible through the Council's Website.

**CABINET**  
**24 MARCH 2022****WORCESTERSHIRE RESPONSE TO INVASION OF  
UKRAINE**

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**Leader of the Council**

Simon Geraghty

**Cabinet Member with responsibility for Communities**

Matt Dormer

**Chief Executive**

Chief Executive

**Recommendation**

1. **The Leader of the Council and Cabinet Member with responsibility for Communities, recommends that Cabinet:**
  - a) **Endorses the joint ‘One Worcestershire’ approach to support Ukraine and the Ukrainian people following agreement between the County Council and six District Councils to work together and co-ordinate response;**
  - b) **Approves our participation in the Ukraine Family Scheme and Local Sponsorship Scheme;**
  - c) **Agrees that the Council uses its resources to help the co-ordination of efforts across the County and to work with voluntary and community groups to support local community response; and**
  - d) **Notes the work being done to review existing contracts and investments with our intention to immediately suspend any further investments in Russia and Belarus and review our approach to exit from all of the investments in Russia and Belarus.**

**Background**

2. Russia began a full-scale invasion of Ukraine on 24 February 2022. This was an escalation of the ongoing conflict which had seen Russian-backed separatists take control of the Crimean Peninsula and parts of the Eastern Donbas region from 2014. Whilst Russia expected a quick war, Ukrainian resistance has been strong, backed up by a unified Western policy to support Ukraine and target the Russian economy through widespread sanctions.

3. The resulting conflict and targeting of Ukrainian cities and infrastructure has had a significant humanitarian impact. To date (15 March 2022), over 2.8 million

Ukrainians have fled the country, with the vast majority being re-settled in the European Union – particularly Poland. This represents the largest displacement of people in Europe since World War II. The UK Government pledged to support displaced Ukrainians, both through a refugee scheme and via donations of aid.

4. Worcestershire County Council, alongside the six District Councils and other public sector partners, already has a history of resettling people into our communities in response to crisis around the world. We recognise the strong support for Ukraine and the Ukrainian people and are ensuring we are aligned to the national response. As a diverse County, Worcestershire is home to people and families from Ukraine and we are committed to support these people and their families in line with the UK Government.

### **Ukraine Family Scheme and Local Sponsorship Scheme**

5. The Home Secretary launched the Ukraine Family Scheme on 4 March, which will allow thousands of families to be reunited in the UK. The scheme will allow applicants to join family members or extend their stay in the UK, allowing immediate and extended family of British nationals and people settled in the UK to come to the country. Those joining family through this scheme will now be granted leave for three years. Successful applicants will be able to live, work and study in the UK and access public funds.

6. The Prime Minister announced that Government is working to establish the Local Sponsorship Scheme for Ukrainians with no ties to the UK to be able to come here. The uncapped route will allow sponsors, such as communities or local authorities, to bring people to the UK. Sponsored individuals will be able to work, and the sponsor would provide housing and integration support.

7. The Council is working closely with the Department for Levelling Up, Housing and Communities, and with local partners, to coordinate actions. The County Council has agreed with the six District Council's to co-ordinate our response as 'One Worcestershire' to ensure a joint approach is undertaken. It is recommended that the Cabinet supports these schemes and approach and agrees to receive further information from UK Government as it becomes available.

8. The Cabinet Member with responsibility for Communities will continue to lead on the County's work on all resettlement programmes.

### **Co-ordination of Support**

9. The Council has an important role in linking local efforts and initiatives together to ensure the county can best support Ukrainians impacted by the conflict. At the moment, the best way to provide humanitarian help for the people of Ukraine is through financial donations to organisations with a presence in the region. This is a more efficient and effective way to support those in need than physical donations, given the complexities and time it can take to physically transport supplies. A list of agencies supporting Ukraine is at Annex A. It is recommended that Cabinet approves this list and communicates it alongside our supporting statement for Ukraine and the Ukrainian people to ensure those seeking to support locally go through the most efficient channels.

10. The Council is also reviewing how its Here2Help service, originally dedicated to helping those who needed support during the Covid-19 pandemic, can help co-ordinate initiatives across the county to provide support for Ukrainian people. This will be of particular relevance for those who are resettled in the county as a result of the Ukraine Family and Local Sponsorship schemes and require guidance in how to access services and become part of the local community. Resource will be made available to support activity in this area and ensure local efforts are co-ordinated to provide the maximum support to the people of Ukraine.

## **Contracts and Investments**

11. As a responsible public sector organisation, the Council has reviewed our contractual relationships to assess if there are any contracts held directly with Russian or Belarusian suppliers. We can confirm that we do not have any direct contractual relationships with Russian or Belarusian organisations. We will shortly be approaching our major suppliers to understand if they have contracts with Russian or Belarusian suppliers, either directly or within their supply chain. Where these exist, we will work with our suppliers to encourage them to reduce/remove dependency on this supply.

12. Our due diligence has identified the Worcestershire Pension Fund has a very small amount (0.15%) of the overall Fund invested in Russia. In light of the situation in Ukraine, we immediately suspended any further investments in Russia. Whilst we continue to review our existing investments, our approach will be to disinvest and exit from all of the investments in Russia.

## **Legal Implications**

13. There are no direct legal implications arising from this report.

## **Financial Implications**

14. There are some minor financial implications arising from this report as a result of the review into the Council's contracts and investments and our commitment for no further contracts or investment associated with Russia or Russian companies. The very small (0.15%) investment of the Worcestershire Pension Fund in Russian organisations will be divested in due course although this will not have any significant impact on the Fund as a whole given its relative size.

15. Whilst initial assessment has suggested the Council holds no contracts directly with Russian or Belarusian organisations, there may be contracts held by suppliers with links to Russian or Belarusian organisations. The outcome and implications of this review will be assessed in due course. Where these exist, we will work with our suppliers to encourage them to reduce/remove dependency on this supply.

16. Ukraine is a major supplier of steel which supports the Council's capital programme. It is expected this will impact the availability and cost of steel and work is ongoing to review mitigation for this.

17. It is not expected that the expansion of the Here2Help service will have any immediate additional financial implications, however this will be reviewed in light of the outcome of the Ukraine Family and Local Sponsorship schemes and updates will

be provided should any additional resources be required for Worcestershire's response to these schemes.

## **Implications**

18. There are no direct HR implications arising from this report. Communication has been sent out to staff who are directly or indirectly impacted or affected by the situation highlighting ways they can be supported.

## **Risk Implications**

19. There is clear support for Ukraine and the Ukrainian people from Governments across the world and recognition of the role of the UK Government to support those displaced by the conflict. There is a reputational risk to Worcestershire County Council should it not support these initiatives, as well as a risk to communities where settled people are not provided the support to access services and rebuild their lives.

## **Joint Equality, Public Health, Data Protection and Sustainability Impact Assessments**

This report provides an overview of the Council's position and support for Ukraine and the Ukrainian people.

A **joint impact assessment (JIA)** screening (and any full impact assessments – if screening indicates that they are required) will be completed for any specific initiatives that arise as part of the wider Council's and county's response to the ongoing conflict.

## **Supporting Information**

- Appendix – List of agencies providing support to Ukraine

## **Contact Points**

Specific Contact Points for this report

Matt Vins, Head of Business Support

Tel: 07729 107994

Email: [mvins@worcestershire.gov.uk](mailto:mvins@worcestershire.gov.uk)

## **Background Papers**

None



## Annex A – List of agencies providing support for Ukraine

### Donating Financially

- Disasters Emergency Committee (DEC) launched a [Ukraine Humanitarian Appeal](#) to raise funds for food, water, medicine, protection and trauma care for people fleeing the war. Every pound donated by the UK public to the DEC will be matched by the government, up to the value of £20m.
- [The UN Refugee Agency](#) - distributing essential relief items, including blankets, sleeping bags and hygiene items and delivering essential aid
- The [British Red Cross](#) - providing accommodation, food, water and other aid items to refugees.
- [Care International](#) is providing emergency relief through its partner, People in Need - this non-governmental, non-profit organisation has been sending trucks of durable food, hygiene items, nappies, sleeping bags, mats, and other goods into Lviv in western Ukraine to distribute to people locally.
- [Save the Children](#) - Distributing essential supplies and winter kits of clothing and blankets as temperatures plunge below freezing
- The [International Committee of the Red Cross](#) is working closely with the Ukrainian Red Cross Society to provide emergency assistance and support local hospitals and primary healthcare facilities with medical equipment.
- [Unicef](#) - It estimates there are up to 7.5 million children in need of support and says a £46 donation will provide a family with an emergency water and hygiene kit.
- [Médecins Sans Frontières](#) are responding to medical and humanitarian needs as the conflict evolves, providing training in emergency medicine and surgical preparedness to hospitals, as well as mass casualty kits with supplies for treating traumatic injuries.
- [World Jewish Relief](#) - the charity is supporting refugees with food, water, personal protective equipment and accommodation.
- [Cafod](#) - providing beds, food, washing facilities and safe spaces for children.
- The [World Health Organization](#) is raising funds for its frontline response and to deliver life-saving medicines and supplies to people across Ukraine and to refugees.

### Donating Supplies

- [Goods For Good UK](#) are providing a rapid response Ukraine crisis and are supplying relief aid to Ukrainian welfare centres which include bedding, clothing, hygiene essential toiletries.

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**CABINET**  
**24 MARCH 2022****APPROVAL OF WORCESTERSHIRE CHILDREN FIRST'S  
BUSINESS PLAN 2022/23**

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**Relevant Cabinet Members**

Councillor A C Roberts

Councillor M J Hart

**Relevant Officer**

Director of Children's Services

**Recommendation**

**1. The Cabinet Member with Responsibility for Children and Families recommends that Cabinet:**

**(a) notes the contractual performance update on Worcestershire Children First;**

**(b) approves Worcestershire Children First's Business Plan 2022/23; and**

**(c) notes the agreed contract sum for 2022/23 to WCF as set out in paragraph 24 and notes the indicative contract sum for 2023/24 and 2024/25 included in the Business Plan.**

**Background**

2. On 1 October 2019, following a two-year programme of activity, Worcestershire Children First (WCF) officially took over the operational responsibility for the delivery of Children's Services on behalf of Worcestershire County Council (the Council). The decision to develop WCF as wholly-owned council company was made in direct response to the statutory direction published on 19 September 2017, with the Council agreeing to work in partnership with the Department for Education (DfE). The aim being at the point of transferring services into WCF, services would be performing well and WCF would have a positive platform on which to sustain and continue to improve outcomes for children and young people.

3. In June 2019, the Council's Children's services were inspected by Ofsted. The judgement was published on 29 July 2019 and the service was judged to be Requires Improvement to be Good. Ofsted recognised that progress had been made in many areas of children's services in Worcestershire since the previous inspection in 2016, when the local authority was judged to be inadequate. They stated that effective work by senior management and staff, together with commitment and investment by political leaders, had led to improved responses to the needs of children and families. As a result, outcomes for many children and their families are better, and there is evidence of a sustained trajectory of improvement. This rate of improvement was a significant achievement for the Council

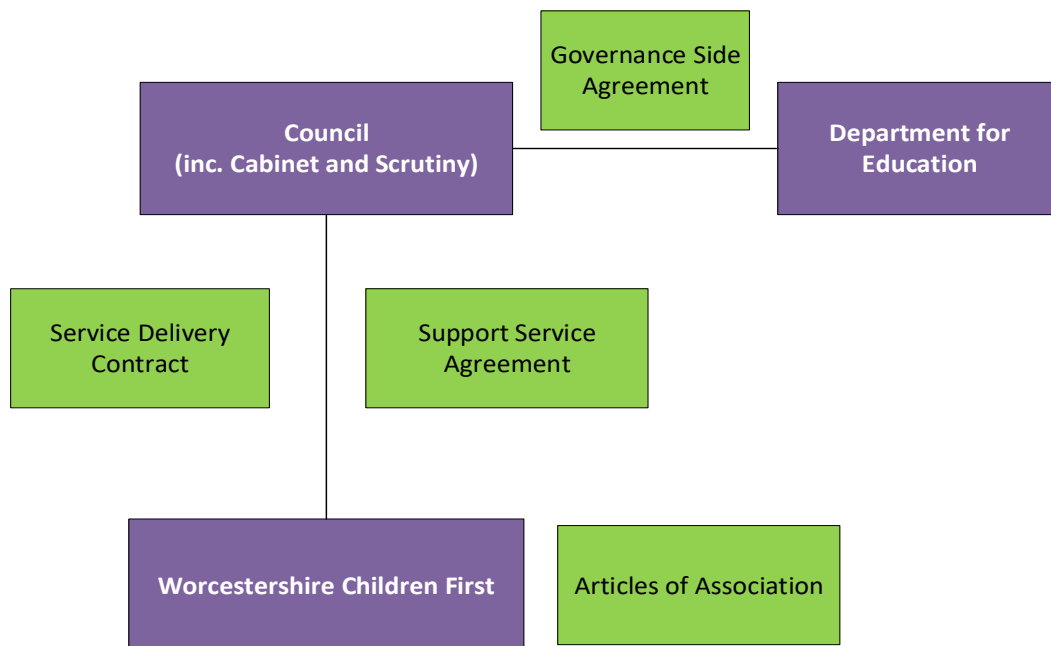
and is testimony of the hard work and tenacity of the leadership team, managers and frontline staff, as well as the wider Council and safeguarding partners.

4. This sustained improvement was clearly evidenced by Ofsted on the 14 July 2021, in their feedback meeting following their focussed visit into our Family Front Door services Ofsted concluded “Leaders have established a positive culture of commitment to continuous improvement across this service area, supported by particularly strong quality assurance arrangements” and the early help partnership is now well engaged in the delivery of services, and most schools in Worcestershire have an early help offer, bespoke to the needs of their community”.

5. In November 2021 the Department for Education, confirmed revocation of the Statutory Direction and their intervention has now moved onto a period of “support and supervision” in line with all authorities who exit formal intervention. This is very positive news for children and families across the county and reflects our collective commitment across the Council to doing all we can to keep children and young people safe and improving outcomes for all children in Worcestershire.

6. The company has been running successfully for nearly 3 years and the DfE are pleased with the sustained progress made in Worcestershire.

7. The contractual arrangements are shown the diagram below and form the basis of the relationship between WCF and the Council and the Council and the DfE.



8. The service delivery contract outlines what the Council is expecting WCF to deliver on the Council’s behalf, how the Council will pay WCF along with how the Council will hold WCF to account for the services it has delegated to it. The service delivery contract also includes a set of obligations for WCF which include the production of a Business Plan and the maintenance of several key performance indicators within an agreed tolerance level.

9. The Support Service Agreement consists of a set of overarching core terms and 14 individual support service specifications ranging from HR, Property & Facilities Management, Finance and Project Management. These individual specifications

describe the services to be provided by the Council to WCF along with the relevant financial information (e.g. the cost of the support services) and the relevant performance information.

10. The Governance Side Agreement is between the Council and the DfE and builds on the agreed Memorandum of Understanding and Statutory Direction, this remains in place while we enter a period of “support and supervision” by the DfE.

### **Performance and Contract Monitoring Update**

11. In relation to contract performance WCF continue to meet their agreed contractual outcomes in relation to Children Social Care however, three key performance indicators for the SEND service measuring the timeliness, decision making, and completion of Education Health and Care Plan’s (EHCP’s) requested have not been fully met in the period November 2021 – March 2022. In line with agreed contract monitoring an action plan has been in place to address challenges faced by WCF in meeting these KPI’s. This was also picked up in the recent Joint Area SEND inspection in November 2021 and will be addressed as part of the SEND accelerated action plan.

12. There continues to be strong working relationships between WCC and WCF which go far beyond the formal contractual monitoring arrangements. WCC’s Strategic Director of People, has the lead commissioning role for WCF within the Council.

13. An example of ongoing collaboration and co-operation is the development of an 0-25 All Age Disability Service which was agreed by Cabinet in February 2022.

14. The appointment of the joint role of Director of Children’s Services and Chief Executive of WCF was made in June 2021. This has provided continued stability in leadership and maintains the direct line to the Council’s Chief Executive and the Council’s Corporate Governance arrangements e.g. Strategic Leadership Team, Council and Cabinet. This has worked well since formation of the company in 2019 and other local authorities have followed this model.

15. WCF more than continue to fulfil their obligations in reporting performance and financial information through to the Council’s Children and Families Overview and Scrutiny Panel and Corporate Parenting Board. This has been important to ensure that there is political oversight and transparency over the Company. Feedback from the elected members continue to be positive.

16. WCF have continued to hold monthly Board meetings which included the second public Annual General Meeting which was held in October 2021.

### **Worcestershire Children First Business Plan 2022/23**

17. The Council requires WCF to develop and publish an annual Business Plan. The Business Plan is owned by WCF on a day to day basis and approved by Cabinet. The Plan sets out WCF’s vision and strategic goals for the next three years and outlines how they will deliver services for children, young people and families, on behalf of the Council. The plan describes WCF’s staffing and governance structure as well as future forecasts in relation to finances. The full version of the refreshed 2022/23 Business Plan is available in the supporting information as an Appendix.

18. The 2022/23 Business Plan maintains the previously agreed aims for WCF which are to improve outcomes for all children and young people (up to the age of 25) in Worcestershire, by addressing their needs holistically through excellent early help and prevention, education provision and social care. Its Vision, Mission and Values define the way WCF will work to improve outcomes for children and young people. They are indicators of the direction of travel, to guide services and colleagues:

- **Vision:** Worcestershire to be a wonderful place for all children and young people to grow up
- **Mission:** Supporting children and young people to be happy, healthy and safe
- **Values:** Children at our heart. Value family life. Good education for all. Protection from harm. Embrace Diversity.

19. The 2022/23 Business Plan has three principles: sustain and improve, innovate and invest in Children's services. The main priority is to sustain and improve on the significant achievements made since we were rated as an inadequate authority in October 2016, continuing to evidence our progress through key performance indicators, our Quality Assurance Programme and external inspection outcomes.

- **Sustain and Improve** - Sustaining good levels of performance is not achieved at anyone point in time, it requires a continuation of hard work commitment and dedication of the whole workforce to be achieved and re-achieved every day, every month and every year. Our quality assurance and business management processes are in place as "business as usual" to ensure we monitor all our activity and the impact of outcomes being achieved for children. We will continue to be a learning organisation have embedded a culture of continuous improvement.
- **Innovate** - We are proud to be in a place where we can build on the foundations of good practice and start to innovate. Innovation means taking the step to do something new and different. This can be particularly challenging when you've been in such a difficult place and have achieved so much, a common and understandable reaction is to hold on to those achievements and stay the same, but we know how important it is to innovate.
- **Invest** – continue to invest in our own services. Invest means ensuring but we deliver our services to ensure value for money, embedding a culture of making savings, taking up sustainable funding opportunities and alongside WCC to invest to improve and develop frontline services.

20. The Business Plan for 2022/23 outlines a number of priorities for the coming year:

- WCF Fostering Improvement Plan
- SEND Accelerated Action Plan
- Implementation of the All-Age Disability Service
- Development of WCF Residential Services
- Evaluation and delivery of Family Safeguarding
- Early Help Family Hub & HAF Strategy
- Empower and inform parents in Child Safeguarding processes

21. The business plan outlines our priorities in greater detail as we continue to work to evidence sustainability in our improvement to date whilst continuing to deliver transformational change and continuous improvement.

22. In the medium to longer term the Plan sets out that WCF will increase its efforts to co-produce with service users and have a relentless focus on delivering good quality, impactful services. The plan recognises and shares the priorities of WCC for its children and families as residents of Worcestershire.

23. WCF also aims to achieve independent validation of its quality of services through the relevant regulatory inspection frameworks. WCF intend to exploit opportunities that will help deliver the vision and mission and aim to work effectively and efficiently within an agreed financial envelope.

24. Within the financial section of the Business Plan it outlines the agreed contract sums. The contract sums are shown as two separate elements, net funding from WCC base budget and grants passed through to the company to arrive at the gross contract price, and with Sales, Fees and Changes to arrive at the total company turnover. These are shown below.

<b>Contract Sum</b>	<b>Original Budget 2021/22</b>	<b>Current Budget 2021/22</b>	<b>Original Budget 2022/23</b>
	<b>£000</b>	<b>£000</b>	<b>£000</b>
Net Budget funded by WCC	106,583	106,791	109,143
<b><i>Other Funding passed through:</i></b>			
Funding added to contract (Grants / Income / Reserves)	18,865	20,990	25,778
<b>Total Gross Cost funded by WCC Contract</b>	<b>125,448</b>	<b>127,781</b>	<b>132,462</b>
Sales, Fees and Charges	1,995	2,162	2,459
<b>Total Gross Cost</b>	<b>127,443</b>	<b>129,943</b>	<b>134,921</b>

25. The 2022/23 gross cost is equivalent to the budget set by Council in February 2022. The future year budget with the Business Plan is indicative at this stage as the Council is currently reviewing its Medium-Term Financial Plan and is awaiting the outcome from consultation on local government finance reforms, due for consultation in Spring 2022.

26. Any additional funding in year is required to be requested by WCF (either capital or revenue) through the governance schedules. These agreements require WCF to complete a business case that will be discussed with Council officers and agreed (if appropriate) through a change control process.

27. WCF has been running for almost 3 years and has strong financial controls which are working well e.g. cash management, payments to staff and suppliers and PAYE/NI to the Inland Revenue submission of monthly VAT returns. Internal Audit is provided from the Council's internal function and reported to both WCF's and the Council's Audit Committees and through the production of both company and Council group audited financial statements.

28. The Support Services figure includes the costs of services, covered by Support Service Agreements (SSA), which has been agreed through dialogue meetings. The basis of charge is based on 2022/23 budget and appropriate relevant service metrics to establish the service price which is £7.5m.

29. Achieving these aims for WCF's long-term future will be dependent on several internal and external factors meaning they will be subject to change as the needs of the Council changes and WCF matures. Therefore, in line with Council expectations, the 2022/23 Business Plan and WCF's budget will be reviewed and refreshed on an annual basis alongside the Council's annual review of its own medium-term financial plan and budget setting process.

### **Legal, Financial and HR Implications**

30. The paragraphs above outline the legal/contractual arrangements that will be in place between the Council and WCF. The term of the contract is an initial five years with the option to extend by a further five years.

31. Budget monitoring and reporting will continue to be carried out and reported through quarterly overall Council budget forecasts to Cabinet. Any variations or change orders arising in a change to the contract value would be reported or approved through that forum dependent on the scheme of delegation.

32. In development of the financial model and as part of the development of the 3-5-year business plan for WCF, a detailed review, analysis, challenge and scrutiny has been completed by finance staff and operational staff within the Council. A review has also been undertaken by both the Council's Chief Financial Officer and the Director of Resources for WCF.

33. All future year figures at this stage are based on the latest financial assumptions and no decisions have been taken. The Business Plan for WCF and its medium-term financial plan will be considered alongside the annual budget setting cycle and be presented to Full Council alongside the Council Tax precept decision in February 2023.

### **Equality and Diversity Implications, Privacy and Public Health Impact Assessments**

34. The Council must, during planning, decision-making and implementation, exercise a proportionate level of due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010
- Advance equality of opportunity between people who share a protected characteristic and those who do not
- Foster good relations between people who share a protected characteristic and those who do not.

35. An Equality Relevance Screening has been carried out in respect of these recommendations. It identified that further equality impact analysis and public health impact assessments will be required in respect of staff, service users and the wider community during design and implementation of activity needed to give effect to the recommendations set out in this report.



36. The services and functions being transferred into WCF have the duty to improve outcomes for children and young people, and these outcomes directly or indirectly impact on their health. The Public Health Ring-fenced Grant is being used to support some of these services, specifically some Early Help services, in this context. A full Public Health Impact review will be carried out on services, including evaluation of impact and effectiveness.

### **Risk Implications**

37. WCF's 2022/23 Business Plan outlines, within its appendices, an overview of the significant risk that WCF will be managing on a day to day basis. These risks will also form part of the Council's high-level risk register as the Council remains accountable.

### **Supporting Information**

- Appendix - WCF 2022/23 Business Plan (electronic version only)

### **Contact Points**

#### Specific Contact Point for this report

Phil Rook, Director of Resources, Worcestershire Children First

Tel: 01905 846300

[prook@worcschildrenfirst.org.uk](mailto:prook@worcschildrenfirst.org.uk)

In the opinion of the proper officer (in this case the Director of Children's Services) the following are the background papers relating to the subject matter of this report:

Agenda papers for the meetings of the Cabinet held on 29 March 2018, 12 July 2018, 15 November 2018, 14 March 2019, 5 September 2019 and 26 March 2020. Available on Worcestershire County Council's website here:

<https://worcestershire.moderngov.co.uk/ieListMeetings.aspx?CId=131&Year=0>

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**CABINET**  
**24 MARCH 2022****WORCESTERSHIRE RAIL INVESTMENT STRATEGY**

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**Relevant Cabinet Member**

Councillor Alan Amos, Cabinet Member for Highways and Transport

**Relevant Chief Officer**

John Hobbs, Strategic Director for Economy and Infrastructure

**Local Member(s)**

All members

**Recommendation**

**1. The Cabinet Member with Responsibility for Highways and Transport recommends that Cabinet:**

- (a) notes the details of the changes to the updated and revised Worcestershire Rail Investment Strategy;**
- (b) authorises the publication of the updated and revised Worcestershire Rail Investment Strategy including key changes for public engagement;**
- (c) authorises the Strategic Director for Economy and Infrastructure to formally approve the updated revised Strategy for adoption after representations subject to, in his opinion, there being no major or significant objections to delete, amend or alter the proposals as submitted;**
- (d) authorises the Cabinet Member with Responsibility for Highways and Transport to consider any major or significant objections to delete, amend or alter the proposals as submitted made during the public engagement, to make revisions to the revised Strategy in the light of these and formally approve it for adoption.**

**Why are these decisions important?**

2. In 2016 Worcestershire County Council commissioned the development of the first Worcestershire Rail Investment Strategy (WRIS). The strategy was intended to set the economic context for rail investment, inform the development of Local Transport Plan 4 and underpin the future pipeline of rail projects.

3. Investing in rail infrastructure is important to sustained economic growth, increasing rail capacity, connectivity and transport choice across Worcestershire and beyond. The outputs from WRIS provided clarity of intent and clear priorities for discussions with the rail industry.

4. The 2016 WRIS has been updated to reflect the rail schemes which have been delivered, the review of Local Plans and Government changes, including the emerging concept of Great British Railways and the impact of Covid 19 on patterns of movement.

5. The updated and revised Worcestershire Rail Investment Strategy (WRIS2) utilises the 2016 strategy, updating the baseline of the current rail situation in the County, scale of growth expected, and identifies gaps and solutions to achieve economic benefits and prioritise the investment to achieve maximum value for money.

## **Background**

6. Worcestershire is an attractive, thriving County of 605,437 people, set to grow by 2,219 new homes per year, and 25,000 new jobs by 2025 which will result in a £2.9bn growth in Gross Value Added (GVA) from £9bn to £11.9bn per annum.

7. Following the adoption of the 2016 WRIS, there has been significant investment in rail infrastructure in the county including the opening of Worcestershire Parkway Rail Station in February 2020, a new Kidderminster Rail station which opened in June 2020 and the submission of the Strategic Outline Business Case for the North Cotswold Line dualling to the Department for Transport. Cabinet have also approved the investment in additional parking at Blakedown station with a planning application to be submitted in 2022. Work is underway on further station access and improvement projects and to develop the business case for a new station at Rushwick.

8. Despite these successes, challenges remain, and further work is required through WRIS2 to address key challenges. Some of the challenges are as follows.

9. Connectivity to London and Oxford has been improved by the opening of Worcestershire Parkway rail station which reduces travelling time to London to below two hours. However, the limited frequency and irregular timetable remain. Proposals to enhance capacity on the North Cotswold Line, through the dualling proposed by the North Cotswold Line Task Force, would enable two trains per hour from Worcester to London and Oxford from Worcester and direct connectivity from Kidderminster and Droitwich.

10. Worcester city suffers poor connectivity due to restricted rail infrastructure, outdated signalling and limited historic investment in its two stations. Covid19 restrictions have further reduced connectivity from Worcester Shrub Hill to Birmingham outside of the peak times. Proposals have been developed for investment in Worcester Shrub Hill, including the reintroduction of services to and from the station outside of the peak hours. Network Rail has developed proposals to deliver new signalling in Worcester replacing the current semaphore signalling although further investment is required to support capacity enhancements.

11. Kidderminster, Redditch and Bromsgrove are well served by local services to Birmingham, but north Worcestershire has limited connectivity to London or southwards except through Birmingham. Covid19 has seen services reduced with these becoming longer term service reductions in response to improvements elsewhere in the rail network. Ongoing engagement is needed with the industry and sub regional transport bodies to reinstate these services as soon as possible.

12. Connectivity enhancements across Great Britain to link to regional economies including the South West and North West and the major areas of economic growth including the Oxford and Cambridge arc, East Midlands and South Wales through additional Cross-Country trains stopping in Worcestershire.

13. Station car parking remains an issue in the county, with a requirement for further car parking. WCC is leading on the provision of additional parking at Blakedown rail station, and is working on further schemes including at Alvechurch, Droitwich and Kidderminster.

14. Poor station experience for the passenger, with limited facilities, signage and connectivity. Joint working has commenced with the Train Operating Companies and Wychavon District Council on quick wins at Droitwich station.

15. New connectivity related to local plan growth and regeneration proposals including a new station at Rushwick as part of the South Worcestershire Development Plan review, Shrub Hill station regeneration as part of the Shrub Hill Quarter proposals and Redditch station regeneration as part of the town proposals.

16. Covid19 resulted in a 70% plus drop in passengers on the rail network. Some uncertainty remains over passenger growth post Covid19 and the impact of new working patterns, but as of week commencing February 13, 2022, National Rail passenger volumes were at 73% of pre-pandemic demand. Passenger numbers are particularly strong for the leisure sector whilst commuting has shown slower growth as longer-term working patterns emerge. The rail industry has undertaken longer term forecasts of the likely impact of the pandemic and currently expects 93% of demand to return by 2026 allowing for commuting patterns and business activity to stabilise post pandemic.

17. The proposals put forward for the future of the rail industry put forward in the Shapps – Williams plan and the emergence of Great British Railways, although welcomed by the industry, do create significant uncertainty and risk of paralysis whilst these proposals are fully developed and implemented. This could slow the further works identified without significant support from third parties including local authorities.

18. The updated and revised WRIS2 takes account of these challenges and proposes further work to achieve the goals for Worcestershire including increased services and connectivity and sets out a series of workstreams to support this.

19. The draft document, as detailed at **Appendix 1**, will be subject to public engagement in spring 2022 and will be adopted in late 2022 following any revisions arising from the public engagement.

### **Legal, Financial and HR Implications**

20. There are no Legal or HR implications.

21. There are no financial implications relevant to the specific recommendations within this report, however, individual projects identified in the WRIS2 will require specific funding linked to the County Council's capital programme. A full range of funding options will be explored for project implementation including Government funds such as Levelling Up, developer contributions and partnership with train operating companies, Network Rail and the Department for Transport.

22. Alongside capital funding allocated for previously approved specific schemes, e.g., Shrub Hill station and Kidderminster Rail Station, a further £11 million has been included in the 2022/23 and 2023/24 capital programme for Rail Investment and associated parking requirements from council funding. Allocations have also been secured from the Council's Open for Business fund for preliminary work including feasibility studies and project development works. Further individual project reports will be considered in future Cabinet papers as part of the investment strategy for Rail Improvement developed from the WRIS2.

### **Risk Implications**

23. No additional risk implications have been identified for this project

### **Joint Equality, Public Health, Data Protection and Sustainability Impact Assessments**

24. A **joint impact assessment (JIA)** screening has been completed for this report. The JIA screening did not identify any potential considerations requiring further assessment during implementation of the WRIS (2).

Further detailed Joint Impact Assessments will be required as the individual projects are developed.

### **Supporting Information**

Appendix 1: Worcestershire Rail Investment Strategy 2022-2050

### **Contact Points**

#### Specific Contact Points for this report

Emily Barker, Head of Planning and Transport Planning  
Tel: 01905 846723  
Email: [ebarker@worcestershire.gov.uk](mailto:ebarker@worcestershire.gov.uk)

### **Background Papers**

In the opinion of the proper officer (in this case the Strategic Director for Economy and Infrastructure) the following are the background papers relating to the subject matter of this report:

Worcestershire Rail Investment Strategy 2017-2021

## **CABINET**

### **24 MARCH 2022**

## **THE DOMESTIC ABUSE ACT 2021 UPDATE**

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**Relevant Cabinet Member**  
 Councillor K May

**Relevant Chief Officer**  
 Director of Public Health

**Local Member(s)**  
 Not Applicable

### **Recommendation**

- 1. The Cabinet Member with Responsibility for Health and Wellbeing recommends that Cabinet note the progress implementing the new Domestic Abuse Act 2021 duties placed upon Worcestershire County Council (WCC) and the publication of a new Worcestershire Domestic Abuse Strategy 2022-25 (the Strategy).**

### **Background**

2. The Domestic Abuse Act 2021 introduces a number of changes as part of the Government's ambition to tackle the significant harms that are caused to people because of domestic abuse. These include introducing a broader definition of Domestic Abuse, improvements to the criminal justice processes and a range of new duties (Part iv), for Tier 1 Local Authorities (in this case WCC), requiring the Authority to provide safe accommodation and support services for victims of Domestic Abuse and their families.
3. Under Part iv of the Act, WCC also had to set up a multi-agency Domestic Abuse Partnership Board (DAPB) to oversee the responsibilities under the Act and which it has to consult in relation to various specified functions. These functions include assessment of need for safe accommodation and support, publishing an associated Strategy (see Appendix 1), and commissioning the accommodation and services.
4. Good progress has been made against challenging timescales and this has seen the production of an initial needs assessment, development of the new Strategy and establishment up of the DAPB, chaired by the Senior Public Health Officer with responsibility for Community Safety.

### **Worcestershire Domestic Abuse Strategy**

5. The new Worcestershire Strategy, like those in other Local Authority areas, goes beyond just the Part iv statutory requirements and builds upon the existing countywide partnership approach to prevent and tackle domestic abuse in all of its forms. The four key principles in the Strategy are Prevention, Provision, Partnership

and Pursue. It has been developed with partners and places victims and their families at the centre of the approach. Whilst the intention is for them to remain in their own homes, there is provision for quality accommodation where it is not safe to do so.

6. The Department of Levelling Up, Housing and Communities, (DLUHC), required publication of a Strategy on the Part iv duties of accommodation and support by 5 January 2022 and this was achieved, as a key element of the wider more comprehensive Strategy.

7. The Strategy sets out a high-level approach under the four principles and from this, the DAPB is developing a more detailed Action Plan that will focus on the individual and collective response by agencies working with the wider Worcestershire community. This will address how the partnership best co-ordinates and co-operates. Although at an early stage, this will include Public Health analysts working with the Police and partners to improve the collection and analysis of data to assist with informing an evidence-based approach and an enhanced oversight by the Safer Communities Board.

8. There will be a strong focus on equalities legislation, listening to the “voice of victims” and survivors of domestic abuse. It is recognised from the Needs Assessment, that further accommodation and support service provision has to be made available for people with disabilities and those citizens from LGBTQ communities. We will be setting up new arrangements for partners to engage with and learn from representatives from the community who can influence the development of those services.

9. There will be future monitoring and reporting back to the DLUHC on progress, outcomes and implementation of the Act.

### **Commissioning arrangements**

10. Implementation of commissioning arrangements for the new duties have been developed through a Joint Commissioning Group (JCG), led by WCC and including Worcestershire Children First, the District Councils, the Herefordshire and Worcestershire Clinical Commissioning Group, and the West Mercia Police and Crime Commissioner (PCC). The new contract, which will include the Part iv duties, has been awarded to West Mercia Women’s Aid from 1 April 2022, which will provide strong continuity from the current service they operate. The implementation will see a strengthening of the current safe accommodation and Refuge provision. It will also include 29 new additional safe accommodation units with associated support.

11. We are reviewing further options to strengthen support for victims of domestic abuse that avoids the trauma of having to leave the family home. This could include expanding the “Sanctuary” scheme which operates in some Districts and provides enhanced physical security measures to people’s homes who may be at risk.

12. We have taken the opportunity, though the JCG, with partnership commissioners, to broaden the approach by commissioning over and above the Part iv duties. This includes working with the PCC and partners to join up the co-ordination of some key services. For instance, expanding the number and scope of Independent Domestic Violence Advisors who provide support to victims and their families, extending the



'Drive' perpetrator programme, and setting up new services including psychotherapy support for adults and psychological support for children, within the new safe accommodation.

13. A newly commissioned domestic abuse training programme will provide free comprehensive training for Local Authority staff and all key statutory and voluntary sector organisations, on all aspects of domestic abuse. This training can be made available to Councillors, who as local community leaders, may find it necessary to support and signpost their constituents to relevant services.

## **Overview and Scrutiny**

14. At the Overview and Scrutiny Performance Board on the 18 October 2021, the annual community safety report included a briefing on the Domestic Abuse Act, although there were no Actions arising from this.

## **Legal, Financial and HR Implications**

15. WCC will be required to meet its new specified duties under the Domestic Abuse Act 2021.

16. The DLUHC has provided year one funding (2021/22) for the commissioning of new Part iv services and WCC has been allocated £1,092,703, with start-up funding of £50,000. An announcement by the DLUHC on 15/2/2022, has confirmed an allocation of £1,095,728 for the Part iv duties for financial year 2022/23.

## **Risk Implications**

17. Domestic abuse has a significant and negative impact upon many citizens and their families in Worcestershire. WCC and its partners have a strong focus on domestic abuse through their own business plans and policies relating to safeguarding and wider operations. The Domestic Abuse Act 2021 also requires the commissioned safe housing and support arrangements to be reported back to the DLUHC. WCC has its own recently updated domestic abuse policies for its staff, carries out assessments of need on domestic abuse and commissions a range of services to support victims and families. These are all designed to try and prevent and mitigate the impact of domestic abuse.

## **Joint Equality, Public Health, Data Protection and Sustainability Impact Assessments**

18. A Joint Impact Assessment screening has been carried out in respect of these recommendations. It identified that further impact analysis was required in respect of Equality and Public Health, and Data Protection.

19. The subsequent assessments identified only positive impact for Equality and Public Health (as that is the focus of the DA activity).

20. In respect of the Data Protection impact assessment, it may be reasonably anticipated that there is a (low) risk of some breach of the requirements. The risks identified are not unique to the Domestic Abuse Act 2021 activity and are equivalent

to existing risks within day-to-day business across the various Worcestershire partnerships. All the parties to the activity have in place their own Data Protection policies and practices which will form part of the contractual arrangements. This is detailed in the attached Risk Assessment.

## **Supporting Information**

Available electronically:

- Appendix 1: **Worcestershire Domestic Abuse Strategy 2022-25**
- Appendix 2: **Joint Impact Assessment**
- Appendix 3: **Equality and Public Health Impact Assessment**
- Appendix 4: **Data Protection Impact Assessment**

## **Contact Points**

Specific Contact Points for this report

Name, Tim Rice

Title, Senior Public Health Practitioner

Tel: 01905 843107

Email: [trice@worcestershire.gov.uk](mailto:trice@worcestershire.gov.uk)

## **Background Papers**

In the opinion of the proper officer (in this case the Director of Public Health) there are no background papers relating to the subject matter of this report.

**CABINET**  
**24 MARCH 2022****ADULT SOCIAL CARE – ANNUAL LOCAL ACCOUNT**  
**2021/22**

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**Relevant Cabinet Member**

Councillor Adrian Hardman

**Relevant Chief Officer**

Strategic Director for People

**Recommendation**

1. **The Cabinet Member with Responsibility for Adult Social Care recommends that Cabinet endorse the improvements Adult Social Care have made in 2021/2022.**

**Background**

2. Adult Social Care is required to publish an annual Local Account. The account is a summary of activity, setting out our priorities, showing how we've improved, where we need to do better and most importantly, includes feedback from people who use our services. This promotes transparency, scrutiny and accountability to adult social care service users and the public, as recipients and funders of public sector services and is published. The report covers the last financial year, states how the council has performed as a provider and commissioner. It includes future developments within the wider People Directorate and People Strategy that support positive outcomes for users of adult social care.

3. ASC is a significant area of spend and managing future demand will be achieved through developing services such as Here to Help, investing in reablement to promote independence and working with our partners to promote timely, safe discharge from hospital to a person's usual place of residence, are key ambitions, aligning to the health and wellbeing priority within the Corporate Plan and meeting the statutory duties set out in the Care Act 2014 and other relevant legislation.

**Legal, Financial and HR Implications**

4. N/A

**Risk Implications**

5. N/A

## **Joint Equality, Public Health, Data Protection and Sustainability Impact Assessments**

6. N/A

### **Supporting Information**

Appendix: Adult Social Care Annual Account 2021-22

### **Contact Points**

#### Specific Contact Points for this report

Kerry McCrossan - Assistant Director Adult Social Care

Tel: 01905 845273

Email: [kmccrossan@worcestershire.gov.uk](mailto:kmccrossan@worcestershire.gov.uk)

### **Background Papers**

In the opinion of the proper officer (in this case the Strategic Director for People) there are no background papers relating to the subject matter of this report.

## **CABINET**

### **24 MARCH 2022**

## **CONTINUING HEALTH CARE PARTNERSHIP POLICY**

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### **Relevant Cabinet Member**

Councillor Adrian Hardman

### **Relevant Chief Officer**

Strategic Director of People

### **Local Member(s)**

N/A

### **Recommendations**

- 1. The Cabinet Member for Adult Social Care recommends that Cabinet approves the NHSE Herefordshire and Worcestershire NHS Continuing Healthcare and Funded Nursing Care – Working in Partnership Policy (the Policy)**

### **Background:**

2. The Policy sets out a partnership agreement with NHS Herefordshire and Worcestershire Clinical Commissioning Group (CCG), Herefordshire County Council and Worcestershire County Council in its approach for the delivery of NHS Continuing Health Services for the population for whom NHS Herefordshire and Worcestershire Clinical Commissioning Group ('the CCG') is the responsible commissioner. In October 2018 the National Framework for NHS Continuing Care and NHS-funded Nursing Care *Revised* (the 'Framework') set out the principles and processes relevant to NHS Continuing Healthcare and NHS-funded Nursing Care and therefore the policy required updating. Adult Social Care also commissioned an independent review of Continuing Health Care and S117 funding and as a result, key areas for improvement were identified.

3. Where an adult had a primary health need, the NHS is responsible for commissioning a care package that meets the individual's health *and* social care needs. If a person's health is deteriorating rapidly, the individual should be considered for the CHC Fast-Track pathway so that appropriate care and support can be put in place by the NHS (fully funded and usually within 48 hours).

4. CHC assessments, including Fast Track, are completed by multidisciplinary teams to make a recommendation regarding eligibility for NHS Continuing Healthcare. A person with a primary health care need who has been deemed eligible for CHC/Fast Track will receive care and support services (for both health and social care needs) fully funded by the NHS.

5. The Policy sets out the roles and responsibilities of each organisation, including management of disputes, and will guide front line staff and senior officers in decision making in line with the Framework, setting out robust timescales.

### **Key considerations**

6. The arrangements proposed in this report relate to the care and support people may be entitled to receive under Continuing Health Care funding provisions, if they are assessed to have a primary health need.

7. In order to determine whether an adult has a primary health need, a detailed assessment and decision-making process must be followed, as set out in the National Framework called the Decision Support Tool.

8. The Policy aim is to have a legally compliant policy, agreed between the Clinical commissioning Group (CCG), Worcestershire County Council and Herefordshire County Council.

9. The Policy has been approved by Herefordshire and Worcestershire CCG Executive Committee on 22 December 2021, to clearly set out the legal framework for Continuing Health Care and the duties imposed on health and social care, with details of how each agency is required to work in partnership to fulfil its obligations to people.

10. It is important to note that not every person who has a health need will be eligible for Continuing Health Care. Some people may be entitled to joint funding, where there is a combination of health and social care needs, met separately by each organisation. Those who have a learning disability, physical disability, older people, and people with mental health needs who have been assessed as *not* CHC eligible, have a right to be considered for joint funding if they have health and social care needs, and should only contribute to, or pay for their social care needs to be met. Any identified health needs should be funded by health and be free of charge to the individual.

11. The Council has recently undertaken a programme of work called Fair and Transparent Care, procuring specialist external support, to understand fully the position through a series of engagement sessions with managers, reviewing sample cases of 170 service users who are either funded fully by the Council, jointly funded by both the Council and the CCG or in receipt of funding under Section 117 of the Mental Health Act 1983 (aftercare funding designed to cover the cost of meeting all a person's mental health related support needs). The Policy ensures all identified areas for improvements have been addressed within the new Policy and future CHC workstreams.

12. The effectiveness of the Fair and Transparent Care programme is evident through:

- Increased numbers of people CHC eligible
- Increased numbers of people Fast Track eligible
- Significant reduction in inter-agency disputes, all being the lowest level (1)

13. As a result of the new arrangements, people will receive the benefit of:

- Legal and robust application of the National Continuing Health Care Framework

- Clarity and assurance of how each organisation will work together to minimise any disputes
- Clear and concise information and advice for practitioners

14. The CCG is responsible for the provision and commissioning of services for people in receipt of Continuing Health Care Funding. There will be further consideration in the future of joint commissioning arrangements.

15. The Policy also reflects the key elements of legislation that apply to people who are eligible under Section 117 and should also be considered if they have needs that meet the Continuing Health Care criteria.

16. The Council, Herefordshire Council and the CCG have implemented a CHC Partnership board to address several operational and process improvements that include new, robust policies and operational procedures, workforce development and potential for joint commissioning arrangements. This group meets on a monthly basis. Agreed terms of reference set out the purpose of the board, who should attend and frequency of meetings. Specifically, the panel will be responsible for considering all aspects of Continuing Health Care, including Fast Track and Joint Funding. Children are currently out of scope.

### **Legal, Financial and HR Implications**

17. There are no procurement, human resources or specific ICT implications from the proposed new Policy and Standard Operating Procedure.

### **Resource implications**

18. The budgeted position for income related to CHC was c£1.7m per annum. Since April 2021, the Council has achieved £2.8m income against this budget i.e., an additional £1.1m recurrent funding. There is also an additional £1.6m one-off income for backdated claims/recharges, from reducing and resolving disputes. It is expected that further income will be due to several new cases, with forecasted additional income in excess of £0.5m.

19. The proposed Policy has no specific or immediate resource implications for the Council but will enable it in the future to monitor performance closely through the Partnership Board. The Council will be monitoring expenses for those who were funded through Continuing Health Care, Fast Track and Joint Funding and are subject to review. We will ensure any reviews of eligibility decisions are appropriate and in line with the National Framework. This will ensure that all Adult Social Care spending and client charging is appropriate, and balance costs met under section 117 and the Care Act 2014 or other NHS funding streams such as Funded Nursing Care (FNC) or Continuing health Care.

### **Legal implications**

20. The National Framework for NHS Continuing Healthcare and NHS-funded Nursing Care states that *“NHS continuing healthcare is an ongoing package of health and social care that is arranged and funded solely by the NHS where an individual is*

found to have a primary health need. Such care is provided to an individual aged 18 or over to meet needs that have arisen as a result of disability, accident or illness.” The Revised Guidance reminds “all those involved in the delivery of NHS Continuing Healthcare should become familiar with the whole National Framework, Practice Guidance, annexes and National Tools and should align their practice accordingly.” The National Framework also requires inter-agency co-operation and agree local dispute resolution processes. The proposed Policy fulfils these objectives and the requirements of the National Framework.

## Risk management

21. Consideration is given to the risks and opportunities to the Council if the recommendations are declined.

Risk / Opportunity	Mitigation
<p><u>Risk if Policy is not approved</u></p> <p><b>Risk to customers</b></p> <p>Without the joint policy, staff may neglect to identify that a person may be eligible for CHC funding to meet health needs.</p> <p>Risk that disputes are more likely to occur and take significant time to resolve, resulting in uncertainty over funding responsibilities.</p>	<p>The Policy and National Framework sets out clearly the legal requirements and provides guidance for both health and social care staff, including Quality Assurance arrangements and monitoring</p>
<p><b>Legal and reputational.</b></p> <p>If the Policy is not approved, there is a risk that some of the Council’s legal obligations could be neglected, misapplied or misunderstood, resulting in longstanding disputes, potentially reaching secretary of state for resolution.</p>	<p>The policy sets out the legal responsibilities for the CCG and the Council in line with the National Framework.</p> <p>The documents have been reviewed by legal departments of both Council and CCG to ensure the documents are fully appropriate and compliant with legislation.</p>
<p><u>Risk if Policy and Standard Operating Procedure are approved</u></p> <p>None identified</p>	



## Alternative options

22. No other alternative. The existing policy has been superseded by the revised National Framework in 2018.

## Joint Equality, Public Health, Data Protection and Sustainability Impact Assessments

### Equality duty

23. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to: –

- a. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
- b. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*
- c. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.*

24. An Equality Impact Assessment has been carried out by the CCG to assess the impact of the Policy on those affected by the introduction of these documents.

25. Taking into consideration the Equality Act 2010 and the 9 protected characteristics of Age; Disability; Gender Reassignment; Marriage & Civil Partnership; Pregnancy & Maternity; Race; Religion & Belief; Sex; Sexual Orientation, The EIA found that there would be either a neutral or positive impact as a consequence of approving these policy documents

26. A copy of the Equality Impact Assessment can be found at Appendix 2

### Community impact

27. In addition to meeting legal obligations the approval and implementation of the proposed Policy will help to ensure that all people who could be, or are, entitled Continuing Health Care Funding (including Fast Track) will receive the correct assessments in a timely manner.

28. The county plan outlines three key themes of Sustainability, Connectivity and Wellbeing. The provision of the Policy will better enable adults with care and support needs, and their families and representatives, to be involved in decisions that impact on their health and wellbeing. It will also contribute to the ambition to protect and improve the lives of vulnerable people by ensuring they receive the

right care and support, at the right time, and are not paying for social care support (often involving sale of homes) when they should be entitled to free health care.

29. The introduction of the partnership board ensures the effectiveness and compliance with the agreed policy. This includes the monitoring and review of operational performance in respect of Continuing Health Care, Joint Funding arrangements and disputes.
30. There are no specific implications of this decision for health and safety. The Councils, and CCG partners each take steps to promote appropriate health and safety practice in commissioning and contract arrangements for services for people with care and support needs.
31. There are no specific implications of the proposed policy for the corporate parenting responsibilities of the council and its partners. However, there will be a small number of young people looked after by the council or leaving care who are eligible for Continuing Care as a child and when they reach adulthood, this policy will apply.

### **Environmental Impact**

32. The Council provides and purchases a wide range of services for the people of Worcestershire. Together with partner organisations in the private, public and voluntary sectors we share a strong commitment to improving our environmental sustainability, achieving carbon neutrality and to protect and enhance Worcestershire's outstanding natural environment.
33. Approving the Policy would be expected to have a neutral environmental impact, focused as they are on information and guidance around Council activity that is already taking place.

### **Consultees**

34. The process of developing the joint Policy has taken place over a number of months with cross agency involvement. This has enabled consultation of senior officers of the CCG and Herefordshire County Council and those agencies have also engaged with experts who advise them.

### **Appendices – available electronically**

- Appendix 1 Continuing Health Care Partnership Policy
- Appendix 2 Equality Impact Assessment
- Appendix 3 National Framework for NHS Continuing Healthcare and NHS-funded Nursing Care October 2018 (Revised)

## **Background papers**

In the opinion of the proper officer (in this case the Strategic Director for People) there are no background papers relating to the subject matter of the report.

## **Contact Points**

### Specific Contact Points for this report

Kerry McCrossan Assistant Director – Adult Social Care

Tel: 01905 845273 Email: [kmccrossan@worcestershire.gov.uk](mailto:kmccrossan@worcestershire.gov.uk)

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**CABINET**  
**24 MARCH 2022****SECTION 75 AGREEMENT BETWEEN WORCESTERSHIRE  
COUNTY COUNCIL AND HEREFORDSHIRE AND  
WORCESTERSHIRE CCG**

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**Relevant Cabinet Member**

Councillor Adrian Hardman

**Relevant Chief Officer**

Paula Furnival, Strategic Director for People

**Recommendation**

- 1. The Cabinet Member with Responsibility for Adult Social Care recommends that Cabinet endorses the revised section 75 Agreement between Worcestershire County Council and the Herefordshire and Worcestershire Clinical Commissioning Group.**

**Background**

2. The Section 75 document (S75) is the funding agreement between Worcestershire County Council and the Herefordshire and Worcestershire Clinical Commissioning Group (HWCCG) which sets out the management of services funded via the Better Care Fund.
3. The S75 details governance, dispute management and the split and responsibility for commissioned Better Care Fund funded services.
4. The S75 is intended to be regularly reviewed and the relevant financial schedules updated annually.
5. The S75 in place had not been reviewed fully for approximately 8 years and it was agreed by ICEOG (Integrated Commissioning Executive Officers Group) at the end of financial year 2020/21 that a full formal review would be conducted during 2021/22 in order for the document to be updated ahead of the implementation of the Integrated Care System.
6. Hazel Braund (Director of Partnerships and Change) at HWCCG and Rebecca Wassell, Assistant Director of People Commissioning led this review.
7. The review has been completed and was agreed by ICEOG in February 2022. Monthly updates had been provided to ICEOG throughout the review.

8. The review required significant input from financial colleagues in both organisations and also from operational leads in the production of the service schedules.
9. The process and documentation have been subject to intense and extensive legal scrutiny and comment by the Council to ensure that the agreement reflects current practice and legal position, but also remained a practical and useful means of managing services in the modern era with pragmatism, in the spirit of partnership.
10. The S75 financial schedules are now diarised to be updated within the first quarter of each financial year and formally approved by the ICEOG.
11. The S75 will need to be updated once the new Integrated Care System comes formally into being to ensure that the governance arrangements etc fit within the new regime.
12. Services Schedules will be updated as required but, along with the main body of the S75 agreement, will be reviewed once every 2 years to ensure that the documentation remains up-to-date and reflecting the prevailing situation and formally approved by the ICEOG.

### **Overview and Scrutiny**

13. The Better Care Fund is regularly reviewed by the Health and Well-Being Board.

### **Legal, Financial and HR Implications**

14. The revised S75 has received sign off from Council Legal Advisors and Senior Financial Officers, along with senior financial officers at HWCCG and their separate legal advisors prior to presentation to, and acceptance by, Chief Officers for both organisations through ICEOG.
15. The value of the S75 for 2021/22 totals c£144 million, with funding being split across several areas including the Better Care Fund, Improved Better Care Fund, Disabled Facilities Fund, Public Health Ring-Fenced Grant alongside base budget funding from the County Council and the CCG. Approx. 46% of funding is allocated via HWCCG and 54% from the County Council.
16. The value of the agreement will be updated annually and approved by ICEOG annually. The financial and operational performance of the Better Care Fund is reviewed quarterly by the Health and Well-Being Board.

### **Risk Implications**

17. There is no risk attached to the review of the document.
18. The risks from the management and services which sit within the service and financial schedules are reviewed monthly at ICEOG via an actively managed Risk Register.

## **Joint Equality, Public Health, Data Protection and Sustainability Impact Assessments**

A **joint impact assessment (JIA)** screening (and any full impact assessments – if screening indicates that they are required) are completed for each separate service funded via this agreement. The legal document itself does not require assessment

### **Supporting Information**

- Appendix 1 - The revised S75 agreement

### **Contact Points**

Specific Contact Points for this report

Rebecca Wassell, Assistant Director of People Commissioning

Tel: 01905 844308

Email: [rwassell@worcestershire.gov.uk](mailto:rwassell@worcestershire.gov.uk)

### **Background Papers**

In the opinion of the proper officer (in this case the Strategic Director for People) there are no background papers relating to the subject matter of this report.

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