

## Lancashire County Council

### Cabinet Committee on Performance Improvement

Tuesday, 28th July, 2015 at 2.00 pm in Cabinet Room 'B' - The Diamond Jubilee Room, County Hall, Preston

#### Agenda

##### Part I (Open to Press and Public)

##### No. Item

1. **Apologies for Absence**

2. **Disclosure of Pecuniary and Non-Pecuniary Interests**

Members are asked to consider any Pecuniary and Non-Pecuniary Interests they may have to disclose to the meeting in relation to matters under consideration on the Agenda.

3. **Minutes of the Meeting held on 8 June 2015** (Pages 1 - 4)

4. **NHS Health Check Performance Update** (Pages 5 - 12)

5. **2014 Adoption Scorecard and 2014/15 In-year Performance** (Pages 13 - 22)

6. **Deprivation of Liberty Safeguards (Dols)** (Pages 23 - 60)

7. **Debt Management Recovery Plan Update Report** (Pages 61 - 92)

8. **Corporate Human Resources - Health Check Report** (Pages 93 - 106)

9. **Urgent Business**

An item of Urgent Business may only be considered under this heading where, by reason of special circumstances to be recorded in the minutes, the Chairman of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency. Wherever possible, the Chief Executive should be given advance warning of any Members' intention to raise a matter under this heading.

10. **Date of Next Meeting**

The next meeting of the Cabinet Committee on Performance Improvement would be held on Monday 5 October 2015 at 2.00pm in Cabinet Room 'B' – The Diamond Jubilee Room, County Hall.

I Young  
Director of Governance,  
Finance and Public Services

County Hall  
Preston

## Lancashire County Council

### Cabinet Committee on Performance Improvement

Minutes of the Meeting held on Monday, 8th June, 2015 at 2.00 pm in Cabinet Room 'B' - The Diamond Jubilee Room, County Hall, Preston

#### Present:

#### County Councillors

J Mein	A Schofield
D Borrow	M Tomlinson
B Winlow	T Martin

#### 1. Apologies for Absence

None.

#### 2. Disclosure of Pecuniary and Non-Pecuniary Interests

None declared.

#### 3. Minutes of the Meeting held on 10 March 2015

**Resolved:** - That the minutes of the meeting held on 10 March 2015 be agreed as a true and accurate record and be signed by the Chair.

#### 4. Quarterly Corporate Performance Monitoring and Improvement - Quarter Four 2014/15 Report

Michael Walder, Senior Policy and Performance Officer, presented a report setting out details of corporate performance monitoring for the fourth quarter of 2014/15 (January – March) which showed that 69% of the total number of Directorate Key Performance Indicators, reported across each of their Quality of Service Reports, were performing relatively well and were on track/target and/or improving.

As this Quarter's reporting also monitors year end performance, the report provided an update on a number of issues including Deprivation of Liberty Safeguarding applications, averaged aged debtors, adoption, NHS Health Checks, together with examples of performance highlights, e.g. under 18 conceptions, GCE A level results, absence levels in schools, schools judged as

good/outstanding, carriageway and footway defects repaired, street lighting faults repaired, FOI requests and Blue Badge applications.

**Resolved:** - That:

- (i) The report now presented be noted;
- (ii) Further update reports on Adoptions and NHS Health Checks be considered at the meeting of the Cabinet Committee on 28<sup>th</sup> July 2015.

## **5. Children Looked After Health Assessments Recovery Plan**

Bob Stott, Director for Universal and Early Support services, and Diane Booth, Head of Children's Social Care, attended and presented a report setting out an update on the Recovery Plan around Health Assessments completed for Children Looked After (CLA).

It was reported that Q1 of 2014/15 demonstrated a continual decline in performance to an in-year low of 52.5%, however rates improved in Q2 and this recovery continued within Q3 and Q4 with performance recovering to rates reported 12 months ago. The data as at March 2015 demonstrates an improvement of 2% on year end performance.

As at 31 March 2015, of the 1617 CLA, 1343 children (83.1%) had a health assessment completed in the year, with 259 children overdue a health assessment. The remaining 15 children (0.9%) had refused a health assessment. For CLA for 12 months or more, performance is 85.2%.

It was reported that a full recovery plan has been implemented to address this area of performance. The establishment of multi-agency locality operational tracking groups and a strategic performance monitoring group has reduced duplication, improved data recording and reporting and resolved most barriers to improvement.

**Resolved:** - That the report now presented, be noted.

## **6. Update on the response to Ofsted Inspection of Lancashire Adult Learning**

Amanda Melton, Principal of Nelson and Colne College, attended and presented a report setting out an update on the response to the Ofsted Inspection of Lancashire Adult Learning (LAL).

It was reported that following Ofsted's inspection of LAL from 3<sup>rd</sup> to 7<sup>th</sup> November 2014 when LAL had received an overall assessment of Grade 4, Inadequate, a second follow up re-inspection monitoring visit was carried out on 17 March 2015. Assessed against the key themes set out in the report, Ofsted assessed that there had been a reasonable improvement for learners.

Further information regarding the actions set out in the Post Inspection Action Plan was provided at Appendix 'A' to the report and Ofsted's follow up re-inspection monitoring visit report was provided at Appendix 'B'.

**Resolved:** - That the report now presented, be noted.

## **7. BT Lancashire Services Limited Service Governance and Performance Monitoring Report**

Gabby Nelson, Client Services Manager, and Mark Mayer, Chief Operating Officer, BT Lancashire Services, attended and presented a report setting out an update on BT Lancashire Services Limited service governance and performance monitoring.

The report covered the third and fourth quarters of operation of the new arrangements in respect of the services that remained within the strategic partnership, i.e. ICT and Payroll and Recruitment.

All contractual and non-contractual performance targets were met within Quarters 3 and 4. Key activity completed included:

- The Child Protection Information Sharing Project received positive media attention following its launch earlier in the year detailing how Lancashire were leading the way in introducing new ways of working.
- The new Oracle Expenses system went live in February 2015 for both Lancashire County Council and South Ribble Borough Council, for around 46,000 users, with the project being delivered on schedule.
- Within Recruitment Services, the internal performance indicator for employment offer documentation (conditional) being issued within 48 hours, following receipt of the necessary approvals to recruit, hit 100% for the first time this year.
- The Payroll Service gained the Chartered Institute of Payroll Professionals (CIPP) Payroll Quality Partnership (PQP) accreditation following assessment on 19 February 2015.

Further information providing a more comprehensive measurement of service delivery was set out at Appendix 'A' to the report.

An update was also provided regarding a number of issues, including revised contract monitoring and governance arrangements, core systems, education and BTLS staffing.

**Resolved:** - That the report now presented, be noted.

## **8. Urgent Business**

There was no urgent business to be considered.

## **9. Date of Next Meeting**

The Cabinet Committee noted that the next meeting would be held on Tuesday 28 July 2015 at 2.00pm in Cabinet Room 'B' – The Diamond Jubilee Room, County Hall.

I Young  
Director of Governance, Finance  
and Public Services

County Hall  
Preston

## Cabinet Committee on Performance Improvement

Meeting to be held on 28<sup>th</sup> July 2015

Electoral Divisions affected: All
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### Progress Report on NHS Health Checks Performance

(Appendix A refers)

Contact for further information:

Lee Girvan, 01772 539823, Wellbeing, Prevention and Early Help,

[Lee.girvan@lancashire.gov.uk](mailto:Lee.girvan@lancashire.gov.uk)

#### Executive Summary

This report gives an update on the performance of the NHS Health Checks programme in Lancashire in 2014/15 and describes the improvement initiatives that are taking place.

Data from Lancashire GP practices indicate that 9.29% of the eligible individuals received an NHS Health Check compared with the national average of 9.61%. A number of initiatives have commenced this year including the delivery of NHS health checks in community and workplace settings, which aim to further improve the volume and quality of Health Checks over the forthcoming year.

#### Recommendation

The Cabinet Committee is asked to note and approve the report and actions outlined.

#### Background and Advice

The NHS Health Checks programme is a national mandated service which is aimed at detecting people at risk of developing heart disease, stroke, diabetes, kidney disease and certain types of dementia in order to help prevent these conditions occurring or to provide early diagnosis and treatment. People who are aged between 40 and 74 years who do not already have a diagnosed condition, are eligible to receive an NHS Health Check every 5 years. The national ambition is that 20% of the eligible population are invited each year (i.e. 100% invited every 5 years) and that 75% of those invited take up the offer.

The NHS Health Check itself consists of a series of simple tests to measure blood pressure, blood sugar levels, cholesterol and Body Mass Index (BMI), in addition to a lifestyle assessment to ascertain risk factors such as smoking, diet, levels of physical activity and alcohol use. People who are aged 65-74 years are also given information about dementia. A score is then calculated which gives the percentage risk of that person developing vascular disease within the next 10 years. All individuals taking part in the scheme are typically given advice and information about how to reduce their risk, along with signposting or referral to other services e.g. stop

smoking, weight management, or exercise programmes, where appropriate. Individuals with a high risk score are referred for further tests and treatment.

In Lancashire, the majority of NHS Health Checks delivery is currently carried out through primary care in GP settings. In an attempt to widen the reach of NHS Health Checks, we have improved the access to NHS Health Checks within community and workplace settings. Also, to our knowledge, Lancashire will be the first authority to deliver the NHS Health Checks within prisons, substance misuse services and Healthy Living Pharmacies. Each provider has its own set of key performance indicators (KPIs) against which their performance is monitored.

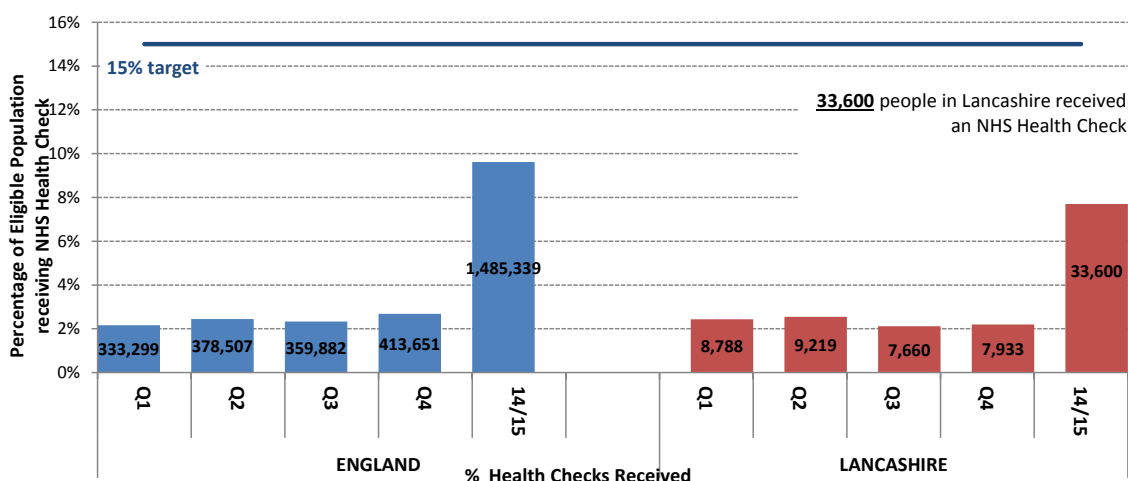
## 2014/15 Performance

The main vehicle for the delivery of NHS Health Checks in 2014/15 was via GP practices which are commissioned to provide the services for their eligible patients and are paid on a tariff basis for each NHS Health Check carried out. Currently 96% of practices are signed up to deliver NHS Health Checks across the authority. This is an improvement since the November 2013 report to this committee where only 72% of practices were signed up. The full year performance for Lancashire County Council in 2014/15 is given below:

Performance of NHS Health Checks in 2014/15	Number
Total eligible population 2014/2015	361,529
Number of people who were offered an NHS Health Check	54,809
Number of people that received an NHS Health Check	33,600
Percentage of people that received a NHS Health Check of those offered	61.3%

In 2014/15, 33,600 people received an NHS Health Check, which was 9.29% of the eligible population (Figure 1). This was lower than the national proportion of 9.61%. Both of these percentages fell short of the target for 15% of the eligible population of Lancashire to receive an NHS Health Check set in the 2013/14 Public Health Business Plan.

**Figure 1: Comparison between England and Lancashire of percentage of eligible population receiving NHS health checks in 2014/15**

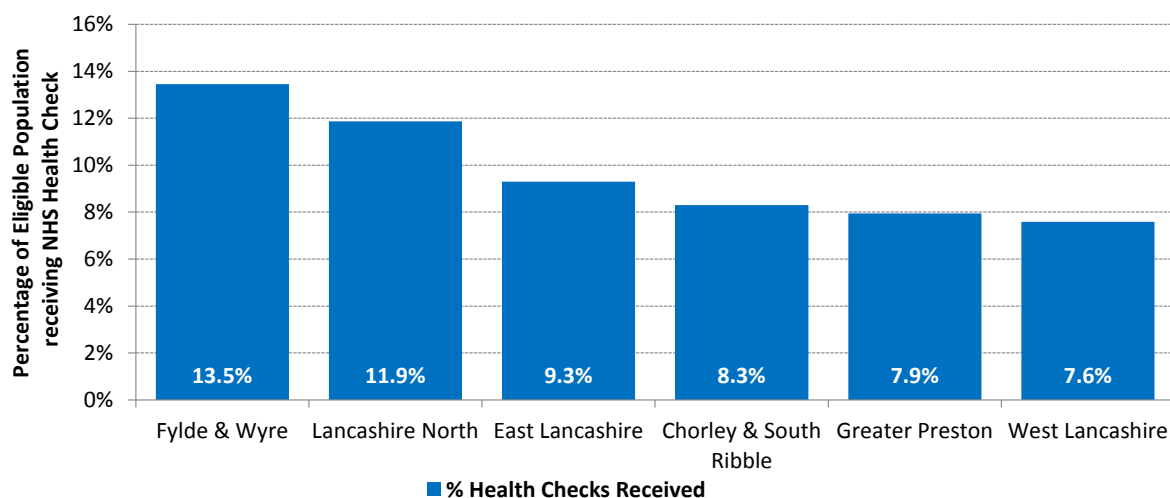




During the last quarter of 2014/15, a comprehensive campaign took place across the authority, and it is likely that this had an impact on the number of people receiving a NHS Health Check, in addition to other factors which include performance improvement initiatives in specific Clinical Commissioning Groups (CCGs).

Fylde and Wyre (13.5%) had the highest percentage of NHS Health Checks received amongst Lancashire CCGs in 2014/15 (Figure 2). The lowest percentage of the eligible population receiving NHS Health Checks was seen in West Lancashire (7.6%).

**Figure 2: Comparison between Lancashire CCGs of percentage of eligible population receiving NHS health checks in 2014/15**



Analysis of NHS health checks performance over the last three years shows that:

- The NHS health checks eligible population was higher in Lancashire in 2014/15 (361,529) than in 2013/14 (359,143) and 2012/13 (339,687)
- NHS health checks were offered to a greater proportion of the eligible population in Lancashire in 2014/15 (15.2%) than in 2013/14 (11.6%), however this was lower than in 2012/13 (15.9%) and England's percentage (19.7%)
- NHS health checks were received by a higher proportion of the eligible population in Lancashire in 2014/15 (9.3%) than in 2013/14 (6.1%), but this was lower than in 2012/13 (10.6%) and England's percentage (9.6%)
- NHS health checks were received by a higher proportion of those offered to in Lancashire in 2014/15 (61.3%) than in 2013/14 (52.7%), however this was lower than in 2012/13 (66.8%). This was also greater than England's percentage (48.8%)

A table outlining these figures in more detail is provided within Appendix 'A'.

## **Additional Services**

Although general practice is fundamental to the NHS Health Checks programme, other provision is required in outreach and community venues to encourage people to take up the offer who would prefer a more convenient alternative to visiting the practice, or who are not engaged with GP services. A number of additional services are either already in place or in the process of being set up. This includes workplace and community based delivery by Wellness International that commenced in April 2015. The delivery plan for this element of work allows for an additional 20,000 NHS Health Checks across Lancashire per annum. Quarter 1 data will be available at the end of July. The delivery plan will target areas with particularly low uptake and/or sign up by general practice teams.

Other work is on-going which includes assuring the quality of the NHS Health Checks programme, assessing competencies and training needs; and continuing a process of CCG engagement to increase the number of NHS Health Checks offered in general practice. This will involve a number of training sessions and programme update events in each CCG area across Lancashire.

A NHS Health Check Equity Audit is underway and will be completed by September 2015. Additionally a further awareness communication campaign is planned for Autumn 2015. Activity is being planned internally within the next month, and also externally in September focussing on CCG areas with low numbers of health checks offered and/or received.

## **Consultations**

N/A

## **Implications:**

This item has the following implications, as indicated:

## **Risk management**

The risk of not implementing the actions outlined in the report is that the NHS Health Checks programme will continue to underperform and the residents of Lancashire will not be able to access equitable services which enable them to improve their health and wellbeing.

## **Local Government (Access to Information) Act 1985**

### **List of Background Papers**

Paper	Date	Contact/Directorate/Tel
Report to the Cabinet Committee on Performance Improvement	30 <sup>th</sup> July 2014	Michael Walder/01772 533637

Reason for inclusion in Part II, if appropriate

N/A



**NHS Health Checks Comparison 2012/13 to 2014/15**• **NHS Health Checks in Lancashire and England 2012/13**

NHS Health Checks 2012/13	Eligible Population	Offered	% Offered to eligible population	Received	% Received by eligible population	% Received of Offered	PCT Rank (out of 151)*	Range of Ranking by PCT within England
Lancashire	339,687	53,898	15.9%	36,008	10.6%	66.8%	North Lancashire PCT 11; Central Lancashire PCT 106; East Lancashire PCT 33	1 Highest – Leicester City PCT 30% 76 Median – Medway PCT 8.6% 151 Lowest - Cornwall and Isles of Scilly PCT 0.2%
England	15,609,981	2,572,471	16.5%	1,262,618	8.1%	49.1%	n/a	n/a

• **NHS Health Checks in Lancashire and England 2013/14**

NHS Health Checks 2013/14	Eligible Population	Offered	% Offered to eligible population	Received	% Received by eligible population	% Received of Offered	Trend % Received v Previous Year	LA Rank (out of 152)*	Range of Ranking by LA within England
Lancashire	359,143	41,652	11.6%	21,933	6.1%	52.7%	↓	126	1 Highest – Leicester 29% 76 Median – Wirral 9.4% 152 Lowest – Surrey 0.8%
England	15,308,022	2,819,665	18.4%	1,382,864	9.0%	49.0%	↓	n/a	n/a

• **NHS Health Checks in Lancashire and England 2014/15**

NHS Health Checks 2014/15	Eligible Population	Offered	% Offered to eligible population	Received	% Received by eligible population	% Received of Offered	Trend % Received v Previous Year	LA Rank (out of 152)*	Range of Ranking by LA within England
Lancashire	361,529	54,809	15.2%	33,600	9.3%	61.3%	↑	75	1 Highest – Bolton 24% 76 Median – Herefordshire 9.3% 152 Lowest – Wakefield 4.2%
England	15,449,660	3,042,478	19.7%	1,485,339	9.6%	48.8%	↓	n/a	n/a

\*Rank – Based on the % Received by eligible population (Total health checks completed / total eligible population)



## Report to the Cabinet Committee on Performance Improvement

Meeting to be held on 28<sup>th</sup> July 2015

Report submitted by: Head of Service - Fostering, Adoption, Residential & YOT

Electoral Division affected: None
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### 2014 Adoption Scorecard and 2014/15 In-year Performance

(Appendix 'A' refers)

Contact for further information:

Chris Greenwood, 07584581424, Performance, Development & Research Officer,  
chris.greenwood@lancashire.gov.uk

#### Executive Summary

The latest Adoption Scorecard was published by the Department for Education (DfE) in December 2014, covering the period April 2011-March 2014. The position of Lancashire has been considered compared with national and statistical neighbours with an update with regards to expected 2012/2015 scorecard performance anticipated from in-house tracking measures. Additionally, in-year adoption performance for the latest financial year is also provided and is compared with previous years to highlight recent performance. Isolated latest-year information for 2014/15 shows vast improvements which will positively affect future scorecards.

The scorecard looks at three key indicators and aggregates performance across a three-year bracket. Due to this format, there is a delay in showing the impact of the most recent year's performance in the published figures. Lancashire's adoption performance has been mixed compared with the last published scorecard which covered the period April 2010 to March 2013.

#### Recommendation

The Cabinet Committee on Performance Improvement is recommended to note the latest published Lancashire Adoption Scorecard analysis for 2011-14 and recent 2014/15 performance, as set out at Appendix 'A'.

#### Background and Advice

The Adoption Scorecard is published annually by the DfE. It is considered wise to compare Lancashire's performance against previous scorecards and against national and statistical neighbours for enhanced clarity.

The latest Adoption Scorecard was published in December 2014, covering adoption performance between April 2011 and March 2014. Lancashire's adoption

performance has been mixed compared with the last published scorecard which covered the period April 2010 to March 2013.

The scorecard looks at three key indicators and aggregates performance across a three-year bracket. Due to this format, there is a delay in showing the impact of the most recent year's performance in the published figures.

	A1		A2		A3	
	Average time between a child entering care and moving in with its adoptive family, for children who have been adopted (days)		Average time between a local authority receiving court authority to place a child and the local authority deciding on a match to an adoptive family (days)		Children who wait less than x months between entering care and moving in with their adoptive family (%)	
	2010-13	2011-14	2010-13	2011-14	2010-13 (<20 months)	2011-14 (<18 months)
LA's 3 year average	786	779	254	272	43%	36%
Stat Neighbour 3 year ave.	680	636	240	251	50%	49%
England 3 year ave.	647	628	210	217	55%	51%

To further understand most recent Lancashire performance, in-year information is also monitored and reviewed. In addition, to gain an understanding of the direction that Lancashire is heading, in-house tracking measures are in place that detail the future projections (see Appendix 'A').

Performance on the adoption scorecard indicators is reviewed both monthly and quarterly. Furthermore, the full published scorecards for all authorities are readily available for further inspection from the DfE website.

## Consultations

N/A

## Implications:

## Implications:

This item has the following implications, as indicated:

## Risk management

There are no risk management implications.



### List of Background Papers

Paper	Date	Contact/Directorate/Tel
N/A		
Reason for inclusion in Part II, if appropriate		
N/A		



### Adoption Scorecard 2014 (April 2011-March 2014)

The latest Adoption Scorecard was published in December 2014, covering adoption performance between April 2011 and March 2014. Lancashire's adoption performance has been mixed compared with the last published scorecard which covered the period April 2010 to March 2013.

The scorecard looks at three key indicators and aggregates performance across a three-year bracket. Due to this format, there is a delay in showing the impact of the most recent year's performance in the published figures.

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	2010-13	2011-14	2010-13	2011-14	2010-13 (<20 months)	2011-14 (<18 months)
LA's 3 year average	786	779	254	272	43%	36%
Stat Neighbour 3 year average.	680	636	240	251	50%	49%
England 3 year average.	647	628	210	217	55%	51%

Comparing Lancashire's performance against both statistical neighbours and the national average does not position Lancashire in a good light with regards to the selected indicators. Lancashire mirrors the overall trends that have been noted across England and when compared with statistical neighbours, with improvements in indicator A1 and A3 and a decline in indicator A2. The use of a 3 year average for the indicators presents a challenge for the authority to redress performance immediately, as performance improvements in one year may be hidden by poorer performance in the previous two years. Conversely two years of good performance may hide one year of low performance. Performance changes may take more than one year to become apparent and will not be evident within the scorecards immediately.

#### **A1: Average time between a child entering care and moving in with its adoptive family, for children who have been adopted (days)**

Indicator A1 looks at the average time between a child entering care and the date that they moved in with their adoptive family over a three year period. The 2011/14 Lancashire scorecard reports this figure to be 779 days – a slight improvement from the previous three-year period of 786. Greater improvements were reported, most notably by Lancashire's statistical neighbours but also on average across England.

Performance aside, this indicator measures the whole care planning process rather than just the adoption placement process. The average length of care proceedings across the latest three-year period in Lancashire is 50 weeks, only slightly above the national average of 48 weeks across the same period, but this does influence the

timescales in relation to this indicator. Work has historically been undertaken jointly with Children and Family Court Advisory & Support Service (CAFCASS), Legal Services and the courts to address the length of care proceedings which has contributed to narrowing the gap between Lancashire and the national average.

In October 2013, Public Law Outline (PLO) reforms were introduced nationally which sought to reduce the length of care proceedings to 26 weeks. Adhering to this timescale has brought about a reduction in the length of this indicator. All cases in proceedings are tracked and monitored with respect to timescales to ensure that timescales are adhered to. The continued work of the Central Proceedings and Adoption Team, dedicated to working with cases that are considered to be at high risk of removal at an early level has also helped with reducing timescales of the new cases that they have worked with.

## **A2: Days between a local authority receiving court authority to place a child and the local authority deciding on a match to an adoptive family (Days)**

Indicator A2 looks at the time between a local authority receiving court authority to place a child and the local authority deciding on a match to an adoptive family. The published 2011/14 scorecard shows deterioration in Lancashire, with an increase to 272 from 254 days. As can be seen in the above table this deterioration is not specific to Lancashire, with durations also becoming increasingly longer, albeit not as severe, across England and by Lancashire's statistical neighbours.

Despite the increase, the family finding protocol developed within the Adoption Service is having a positive impact. The methodical approach which has been taken to link children with available adopters is resulting in more effective use of resources leading to faster placement of children. Unfortunately these will take time to influence the Adoption scorecard statistics due to the 3 year average format.

Anecdotally, many children that were categorised as hard to place have now been matched to adoptive families, which is a positive result for the children. The use of Voluntary Adoption Agencies (VAAs) and adoption activity days has been cited as having a positive effect on finding matches for these children, some of whom had been awaiting a match for several months. This indicator is therefore showing poor performance in Lancashire even though hard to place children have now found a match to a family and been adopted. As the above children have been adopted, their large timescales are realised within the scorecard, inflating the average for the indicator. This, therefore, appears to be poor performance when in actuality a child who has been awaiting a match for a considerable time has been adopted, due to initiatives above, which is clearly a success for the child.

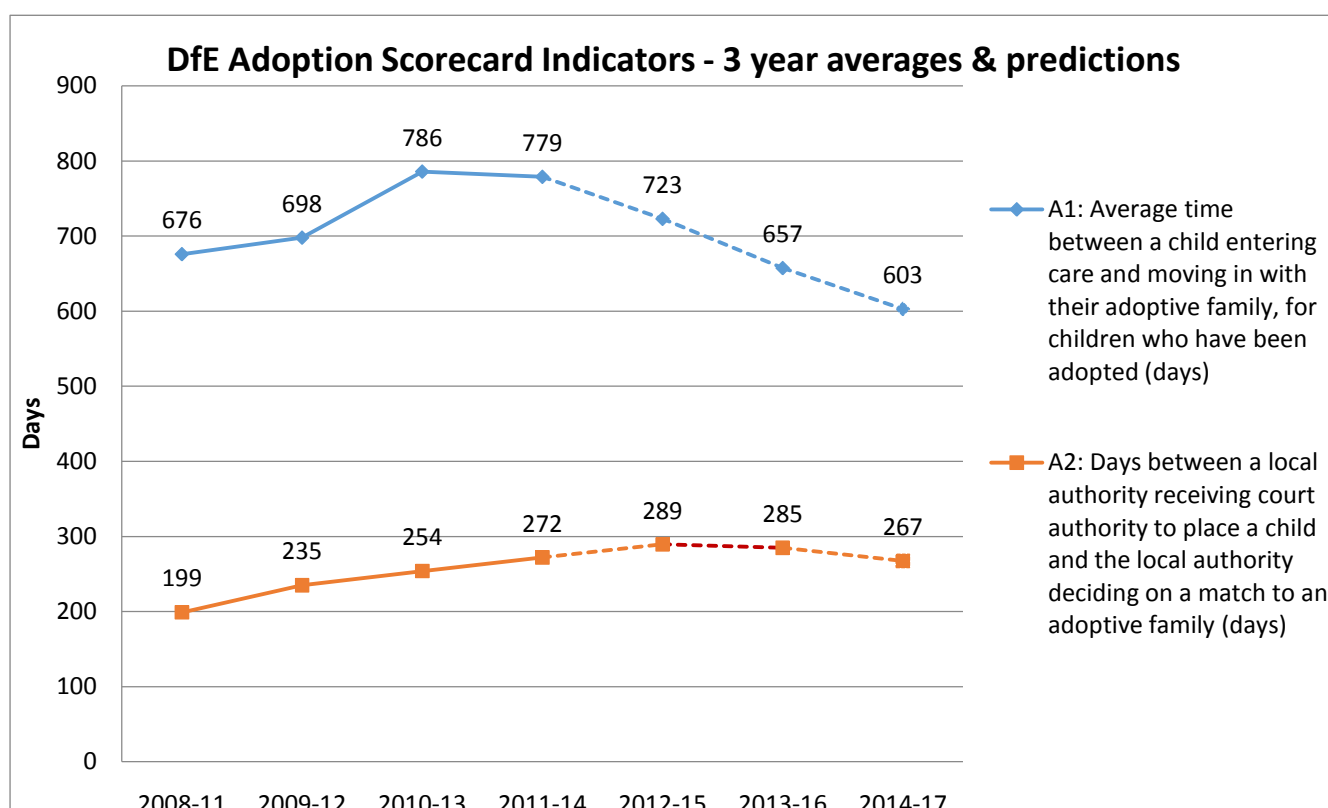
A2 has suffered due to the number of sibling groups that are looking to be placed together, resulting in increased timescales. In 2011/12 there were 6 sibling groups of 2 siblings including 1 group mixed heritage, in 2012/13 there were 14 sibling groups of 2 siblings including 2 mixed heritage sibling groups and 1 sibling group of 3 siblings and these children were of mixed heritage and in 2013/14 13 sibling groups of 2 siblings, including 1 group of mixed heritage and 2 sibling groups of 3 siblings.

### A3: Children who wait less than 'X' months between entering care and moving in with their adoptive family (number and %)

Similar to indicator A1, indicator A3 shows the proportion of adopted children who waited less than 18 months between entering care and moving in with their adoptive family, as a percentage of the total adopted. 36% of adopted children met this criteria between April 2011 and March 2014. It must be noted that the timescale that the indicator was measured on in previous years was higher, falling to the 18 month target only in the most recent year. As a result, performance on this indicator has reduced across England. Lancashire performance is significantly below the national and statistical neighbour averages.

### Projections

In-house tracking of adoption indicators suggests that the next scorecard, anticipated for publication towards the end of 2015 covering April 2012 to March 2015, will show further improvement on A1 and improvement on the A3 indicator. However indicator A2 will continue to rise, despite strong in-year 2014/15 performance, due to poorer timescales achieved in the 2012/13 and 2013/14 financial years. Graphical representation based on data available in June 2015 is shown below. Please note the latter scorecards will obviously change, possibly considerably, as the cohort will grow the closer we get in time to those scorecards as the projections are based on current ongoing cases.



## Single-year performance 2014/15

The following in-year performance information has been provided for the most recent financial year, taken from in-house tracking measures which have proved to be highly accurate. The application of rounding by the DfE is the major difference between expected performance and the published scorecard figures. This format clearly shows performance improvements year-on-year in a way that the adoption scorecard cannot and as such is a more useful indicator of recent performance.

	<u>2010/11</u>	<u>2011/12</u>	<u>2012/13</u>	<u>2013/14</u>	<u>2014/15</u>
<b>A1: Average time between a child entering care and moving in with their adoptive family, for children who have been adopted (days)</b>	737	728	875	752	609
<b>A2: Days between a local authority receiving court authority to place a child and the local authority deciding on a match to an adoptive family (days)</b>	228	238	299	315	266
<b>A3: Children who wait less than 18 months between entering care and moving in with their adoptive family %</b>	54%	43%	37%	42%	53%
<b>Number of Adoptions</b>	52	69	75	83	121

**Indicator A1:** In 2014/15, performance on this indicator has improved greatly, with an average of 609 days recorded for the children adopted within the year, significantly better than the most recent England average of 628 days. However, this year's figures will make up just one part of the next scorecard and it will take both time and consistency across future years for this improvement to be fully reflected in a published scorecard.

**Indicator A2** - Similar to the above, performance on this indicator has also improved greatly, with an average of 266 days reported for 2014/15. This is still higher than the most recent national and statistical neighbour figures, but is significantly lower than the two previous Lancashire averages of 299 and 315 reported in 2013/14 and 2012/13 respectively.

**Indicator A3** - 53% of those children adopted in 2014/15 waited less than 18 months between entering care and moving in with their adoptive family - higher than the latest national three-year average of 51% and a huge increase from latest Lancashire published figure of 36%. Again, for the scorecard to reflect this figure Lancashire will need to continue to achieve this performance in future years.

## **Adoptions**

More Lancashire children than ever were adopted in the last financial year. 121 children received an adoption order in 2014/15, over 50% more than in 2013/14 (83) which in itself was a further increase on 2012/13 performance of 75. Considering that timescales in the latest year are based on the biggest cohort of adopted children in years, the tracked improvements are even more impressive.

These successes are due to a culmination of efforts, such as the continued success of the Central Proceedings and Adoption Team, influence of adoption days, assistance from VAAs and improvements within the family finding process.

### **Further requested information, not linked to scorecard.**

Lancashire has experienced little to no adoption breakdowns. In 2011/12 there was only 1 breakdown, 2012/13 there were no breakdowns and 2013/14 there were 3 adoption breakdowns. One of these breakdowns was an older child who presented with more challenging needs once they had been placed with the adopters and one was because of the needs of the male carer (a single carer) and he felt that it was raising issues relating to his own childhood. This carer had been assessed by a VAA.

### **Number and success of fostering to adopt placements and concurrent carers**

Last year in Lancashire, 5 children were placed under concurrency.

Since the scheme was developed in Lancashire we have had 19 children placed for adoption; 18 of those have been adopted and 1 remains placed on a fostering basis. We have 3 more concurrent carers in assessment. We currently have 1 Fostering for Adoption placement that will be presented to panel this month.

No children have been placed so far this year in 2015/16. There are currently 3 families to be imminently approved. 4 children are awaiting adoption order hearings. However this is being delayed due to the Court scheduling a directions hearing regarding the 10 week rule. We have 1 potential Fostering for Adoption placement in the matching stage and awaiting a 'Should be Placed for Adoption' (SHOPA) process decision.

### **DfE visit**

Dr Carol Homden from the national Adoption Leadership Board and North West lead, and the DfE recently visited Lancashire. Dr Homden reported favourably on the narrative put forward by the authority in getting 'behind the data' and the progress being achieved by the authority at both a region adoption conference and at the North West Adoption Leadership Board. Dr Homden and the DfE were impressed with Lancashire's multiple approaches to securing adoptive placements for some of the more difficult to place children. Dr Homden has suggested that as the authority with the largest number of adopters Lancashire would be a logical addition to the board.





## Cabinet Committee on Performance Improvement

Meeting to be held on 28<sup>th</sup> July 2015

Electoral Divisions affected: All
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### Deprivation of Liberty Safeguards (Dols)

(Appendices 'A' to 'D' refer)

Contact for further information:

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#### Executive Summary

The report gives an overview of the situation regarding the Deprivation of Liberty Safeguards (Dols) and the legal requirements of the Local Authority in this process (Appendix 'A' - What are the Deprivation of Liberty Safeguards) and with respect to Court of Protection applications.

It outlines the pressures we are facing since the Supreme Court ruling of March 2014 (known as the Cheshire West ruling) which dramatically increased the number of people who now come within the remit of Deprivation of Liberty legislation. The financial pressures on Lancashire as a result of this ruling are still being assessed but they will be significant and ongoing.

Deprivation of Liberty for those over the age of 18 can only be authorised by the Dols or by the Court of Protection.

We have seen the application rate for Dols rise from around 350 in 2013/14 to over 3,000 in 2014/2015 when the impact of the Supreme Court ruling began to take effect. *(There were 2,400 valid applications for 2014/2015 although we have a duty to also pursue the large number of invalid applications received).* The process for the Dols is complex and specialist knowledge and skills are required.

Nationally the consensus is that local authorities will face a severe financial burden as a result of the increased activity, which is likely to continue to increase over coming years.

#### Recommendation

The Cabinet Committee on Performance Improvement is recommended to note and comment on the contents of this report.

#### Background and Advice

The Deprivation of Liberty Safeguards (Dols) was implemented on 1 April 2009. It provides a legal framework for preventing the unlawful detention of anyone over the age of 18, in a care home or hospital, who lacks the capacity to consent to their care

arrangements and residence. Dols is a lengthy and complex process but offers protection of article 5 of the Human Rights Act to all citizens. Article 5 is the right to Freedom, Liberty and Security. The Dols process has legally set deadlines for completion of the assessment process. Lancashire has had a dedicated Dols team since February 2009 and the team has built up a degree of skill and expertise that is used as a resource for County Council staff, providers of services we commission and Health colleagues as well as service users and their families.

### **Recent changes and developments**

Since March 2013, the County Council has the responsibility for assessment of people who meet Dols criteria in hospitals as well as residential care homes.

In March 2014 the Supreme Court gave a ruling in the cases of P v Surrey and Cheshire West Councils that changed the landscape for Dols significantly. The ruling has resulted in thousands more of people now being identified as being deprived of their liberty by their care arrangements. Care home residents and hospital patients who lack the capacity to agree to their care arrangements and are subject to continuous supervision and control and who are not free to leave are deemed to be deprived of liberty.

The ruling has resulted in additional work for the Coroners services; a death of someone whilst subject to a Dols authorisation is deemed to be a Death in Custody. Given that the majority of 'new' Dols authorisations will be for people in very frail states of health it is extremely likely that there will be significantly more deaths in custody and Coroner inquests.

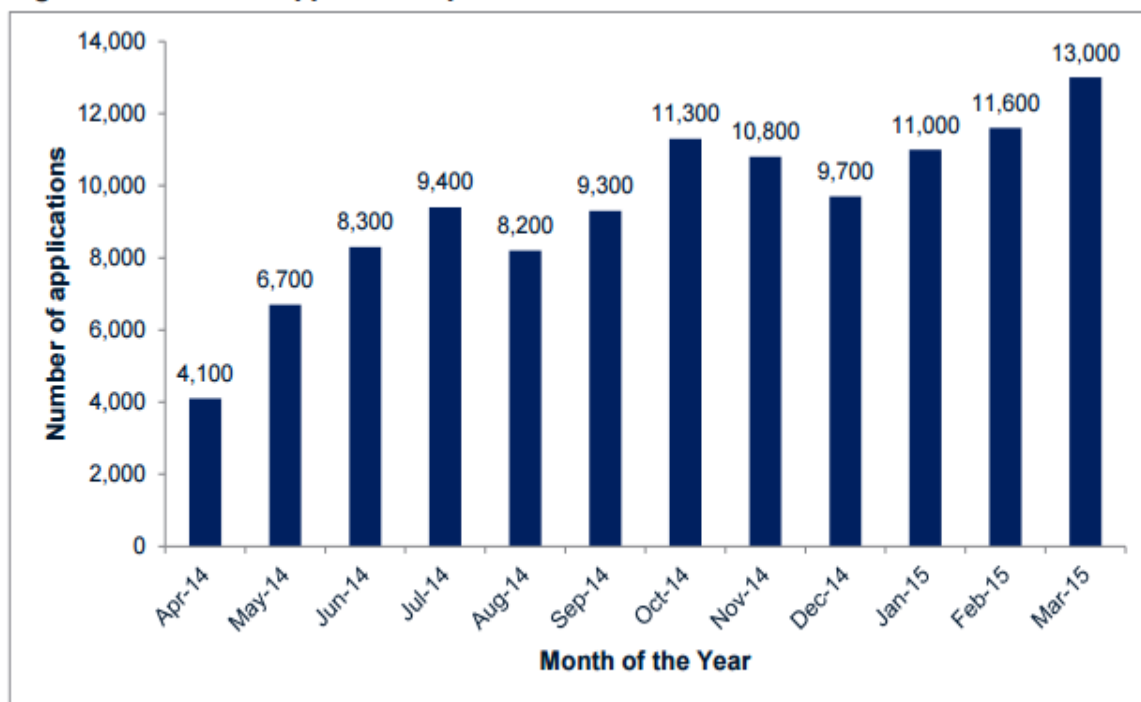
The paperwork associated with Dols is weighty. New forms were introduced in April 2015 but even with these streamlined forms there is still a very complicated administration process that underpins Dols. The Supervisory Body has legal responsibilities to ensure that certain people have copies of assessments and authorisation documentation.

An authorisation can only last a maximum of 12 months. If deprivation of liberty needs to continue beyond this time then the whole process has to be undertaken again for the 'renewal' of the authorisation. Reviews of the authorisations are frequently requested by Independent Mental Capacity Advocates (IMCAs) and Managing Authorities (Hospitals and Care homes), thus increasing the workload per case.

### **Application increases**

Since April 2014 the rate of Dols applications nationally has risen dramatically (see figure 1 below)

**Figure 1: Number of applications per month for 116 councils that submitted data for all four quarters**



Data Source: DoLS Quarterly collection 2014-15

Numbers are rounded to the nearest 100.

In Lancashire Dols applications have risen from an average of 22 per month in the fourth quarter of 2013/14 to 312 per month in the fourth quarter of 2014/15 (See Figure 2 below). This represents a **14 fold** increase in applications. These figures exclude review requests and invalid applications, of which there are significant numbers (most of which will lead to full assessment being required)

Figure 2: Number of valid Dols applications made to LCC (excludes Review requests)

	2013/14 Q4					2014/15 Q4				
Applications	Jan	Feb	Mar	Tot	Avg	Jan	Feb	Mar	Tot	Avg
Applications	27	16	24	<b>67</b>	<b>22</b>	311	286	339	<b>936</b>	<b>312</b>

This increase has continued into 2015/16: the average application rate for April, May and June 2015 is 390 per month.

Lancashire actions thus far have proved to be in line with recommendations from the Association of Directors of Adult Social Services (ADASS), the Local Government Association (LGA), Department of Health (DoH) and Care Quality Commission (CQC). Lancashire has:

- Trained additional Best Interests Assessors (BIAs). Training has to be accredited by the Department of Health (DoH) and is to post graduate

standard. The County Council has trained 16 BIAs since July 2014; is due to train a further four in July 2015 and intends to train more before the end of 2015 and:

- Significantly increased our resource of independent BIAs and Mental Health Assessors.
- Supplemented our admin support significantly, drawing on resources from other teams.
- Significantly increased our IMCA resource. Lancashire commissions an IMCA, whenever a Dol is authorised, in order to support the Relevant Person (person deprived of their liberty) and their Representative (often a family member) through the Dols process.
- Established a Mental Capacity Act (MCA)/Dols forum with health and other partners that meets regularly to review Dols implementation. This group links to NHS England.
- Provided presentations to care home providers regarding the implementation of MCA/Dols and interpretation of the Supreme Court ruling.
- Agreed a protocol with the four Lancashire Coroners for those people who die whilst subject to Dol authorisation. This is to both lessen the burden on the Coroner service and to offer a compassionate but legal response to grieving families.
- Worked in partnership with Browne Jacobson law firm to provide practice sessions to BIAs and other partners.

It is proving challenging to keep up with the volume of applications received. We currently have in the region of 11,000 care home places in Lancashire. If only 80% of those places are resulting in deprivation of liberty that equates to 8,800 people indicating a significant gap between those applications received to date and those yet to come.

There is no alternative to the Dols process – it is a legal requirement of all local authorities.

Deprivation of Liberty outside of the Dols process:

Whilst the focus of this report centres around the impact of recent caselaw on the work undertaken by the County Council's Dols team, it cannot be underestimated that applications made to the Court of Protection (CoP) outside of the Dols process have seen an equally dramatic surge creating an inevitable increase in the work of social workers in this area as well as lawyers.

The Dols legal process only applies to care homes and hospitals but a person can be deprived of liberty in a community setting (i.e Supported Living, Shared Lives, family home, as well as some residential school settings). Deprivation of liberty in these situations can only be authorised by direct application to the CoP. Where the County Council is responsible for funding the care of these individuals, and/or developing and implementing the care plan that constitutes a deprivation, then the County Council would ordinarily lead on such an application and become the Applicant, thus bearing the majority of court costs, as well as being potentially responsible for a proportion of independent consultants costs in certain situations. Where an individual's care and support is funded by Health, they will be the Applicant, however the County Council is still likely to be joined as a Party to the

Court proceedings where we play any role in developing and implementing the person's care assessment and/or support plan. Whichever circumstance, the costs to the County Council are significant. There is no automatic entitlement to legal aid for the service user or their family.

Soon after the decision in the Cheshire West case, work was undertaken by the CoP to create a 'streamlined process' with a view to reducing the administrative burden on all parties when making applications for authorisations of deprivations of liberty. Prior to the streamlined process being implemented, it was expected that 'P' (the service user), would have to be a party to the Court proceedings, thus creating a requirement for him to have representation by way of a Litigation Friend.

Such a role could be undertaken by family/friend, an IMCA, or as a last resort, the Official Solicitor. However, the introduction of the streamlined process abandoned this requirement and replaced it with an obligation on the Applicant to show that 'P' had been consulted on the proceedings and only where P had indicated a desire to be involved in the proceedings would they be expected to be made a party. This approach has been challenged and very recently (June 2015), the Court of Appeal handed down a judgement in the case of Re: X in which it was held that "both fundamental principles of domestic law and the requirements of the European Convention on Human Rights (ECHR) demand that 'P' be a party to proceedings for authorisation of deprivation of liberty".

The impact of this latest decision is already being highlighted by the Official Solicitor (OS), who approached the CoP within days of the Court of Appeal decision with a very open letter expressing his inability to cope with the strain on resources that the Re: X decision was creating. On a more local level, the implications of the Re: X decision will mean that in preparing any application to the CoP, the Applicant will have to liaise with family/friends of P to ascertain if they are willing to act as Litigation Friend for 'P'. Alternatively, an IMCA or the Official Solicitor may be approached, however they are only willing to take on this role once they have received confirmation that their legal fees will be covered by way of legal aid, or from 'P's' own funds. The responsibility for collating 'P's' finances appears to be falling to the Applicant via social workers, and we have recently heard from other local authorities that in circumstances where such financial checks are delayed for whatever reason, the OS is seeking an undertaking from the local authority Applicant that they will meet the OS's legal fees, in order to prevent any delay in proceedings. It is worth noting at this stage that lawyers for the County Council would advise that such undertakings are strongly resisted.

A very rough estimate of the numbers who may meet the above criteria is a minimum of 700 people. Further work is required to complete the scoping of numbers. In 2014/15 the County Council made 18 applications to the CoP between January 2014 and June 2015. The number of unlawful Dol in community settings is a national problem.

A CoP co-ordinator post and assistant is due to be advertised by the County Council in the near future to support the application process.

## **Dols Reform**

The government asked the Law Commission to design a new scheme amid concerns that the current system was not fit for purpose and was failing to cope with a tenfold rise in deprivation of liberty cases.

The Government is bringing forward the deadline for deprivation of liberty reform plans. The Law Commission published its proposals for the replacement of the Dols safeguards on the 7<sup>th</sup> July 2015. This will be open to consultation with final proposals being presented to the Government at the end of 2016. (See Appendix 'B': Dols Reform Consultation).

The Law Commission's proposals, provisionally entitled 'protective care', extends the present safeguards to cover supported living, shared lives and domestic settings as well as care homes and hospitals. The nature and extent of the safeguards offered by the system vary according to the care setting and level of restrictions proposed.

## **Consultations**

This report is based on practical knowledge of legislation. Keeping up to date with legal developments and requirements; consultation with other local authorities and Health leads for Dols and the Mental Capacity Act.

## **Implications:**

This item has the following implications, as indicated:

### **Legal**

Not discharging our legal duty to comply with the Dols process may result in a costly damages claim and a loss of reputation.

It appears to be widely agreed that if local authorities can show they have plans in place, and are actively engaged in trying to meet their legal obligations, then the risk of legal penalties for procedural breaches of Dol should be minimised but this is not guaranteed. A number of legal firms are actively asking care homes if their requests for Dols assessments are being met in the legal timeframe. We are following ADASS guidance around managing this situation outlined in ADASS Advice Note November 2014.

There are increasing demands on Lancashire's legal service as a result of the Dols and more particularly the rapidly increasing rate of Section 21a challenges. This is the result of both the increase in authorisations and the impact of the **AJ v's a Local Authority** case in March 2015 where a local authority was heavily criticised because the Relevant Person's Representative, IMCA and Supervisory Body had all failed to ensure that an objecting resident was supported to challenge a Dols authorisation.

We are also having to consider the increase in demand for both paid representatives' as a result of the AJ case, and the additional numbers of 39D (of the Mental Capacity Act) IMCAs needed to meet the increasing number of authorisations given. The IMCA service is under significant pressure in Lancashire and has waiting lists for services (see Appendix 'C' for the national picture: IMCA Service post AJ ruling).

## **Financial**

The costs of implementing authorisation for deprivation of liberty (either in own home or care home or hospital) is likely to cost local authorities millions of pounds if we address everyone who meets the criteria, creating an unsustainable pressure on local authorities.

The cost of processing Dols applications in Lancashire in 2014-15 was £446,000. This includes the direct running costs of the Dols team and use of external contractors (mental health assessors and independent BIA's). Mental Health Assessors cost (£175 per case) and independent BIAs (average cost £360 per case).

These costs do not include those cases of supported living that currently need to go directly to the CoP. A Freedom of Information request (12 months ago) indicated that the average cost of a CoP application was £4,000 plus legal costs.

With the new streamlined process it is likely that the cost could be brought down to £1,000 plus legal costs. Long term costs are unknown as we will be going back to the CoP for an annual review every 12 months.

## **Human Rights**

Deprivation of liberty is primarily concerned with Articles 5 and 8 (Right to Privacy and Family Life).

## **Risk management**

The risks to the County Council of being sued for unlawful deprivation of liberty increases as time goes on. Although we have taken some action to mitigate this risk, we still have a very long way to go before we can make sure we fulfil our legal responsibilities in the timescales demanded. The letter from the DoH (set out at Appendix 'D') does indicate that those councils actively engaged in developing services and working to full compliance with the increased demands will have their risk minimised, but we cannot say this will be guaranteed, and the council does run the risk of being sued for allowing unlawful deprivation of liberty to occur.

There is still a very significant backlog of applications in Lancashire going back to June 2014 which have yet to be assessed.

The Dols team are currently managing to process renewals, reviews and a small number of urgent applications.

There is a risk that there are un-assessed cases where the relevant person is deprived of their liberty in circumstances that are not justified. In cases such as this where there is a substantive breach of Article 5 (as opposed to a procedural breach) the risk of financial loss to the council is significant.

Actions taken thus far to comply with the ruling include:

- Implementing a rota system for BIAs from community teams (13 BIAs currently) to spend one week in eight doing Dols assessments:
- Increasing our pool of independent BIAs and Mental Health Assessors:
- Increasing funding for Independent Mental Capacity Advocates:
- Plan in place to recruit two additional staff to undertake management of supported living applications to CoP:
- Introduction of a priority rating tool (guided by ADASS) to ensure we continue to prioritise and protect the most vulnerable people:
- Working with providers to ensure they fully understand the Dols process:
- Working with Coroners offices to establish a protocol for managing deaths in custody in a compassionate but lawful way:
- Establishing a forum with health colleagues to share knowledge and skills, ensuring that staff keep up to date with case law developments that may require changes to our practice:
- Continuously reviewing the Dols processes in pursuit of efficiencies.
- Action plan is being finalised regarding DOH MCA grant of £588,603.

### **Deprivation of Liberty Safeguards (Dols) Grant 2015/16:**

On the 27 March 2015, the Minister for Care and Support announced an additional £25m would be made available to local authorities for the Deprivation of Liberty Safeguards. (Appendix 'D': DOH Grant)

The County Council has been awarded £588,603. The grant is designed to help to address the significant increase in Dols applications resulting from the Supreme Court ruling and to improve staff and partner understanding of the Dols and the wider Mental Capacity Act.

**The proposed plan** to utilise this grant is to:

- Recruit an additional six full time BIAs; Grade 9 posts for 12 months. The team currently comprises one full time Deprivation of Liberty Safeguards Manager, Grade 10 and six full time BIAs (Two of these BIA posts are currently vacant). All 12 BIAs will report to the Dols team manager. There is also a Mental Capacity Act Co-ordinator Grade 10 post which sits within the Dols team.
  - o The additional BIAs will focus on addressing the backlog, leaving the permanent team to focus on renewals and priority cases. The funds will be by no means sufficient to allow us to deal with both the backlog and the rising number of new applications we have to deal with.
- Recruiting an additional eight full time business support officers (BSOs) Grade 4 for 12 months to manage the business of the Dols process. This will take our full time complement of admin staff to 10. These eight BSOs will report to ACS Operational Admin Team Manager (Central) (post number S61184550001).
- A thorough review of all Dols processes to be undertaken by senior admin staff. The aim is to identify what further efficiencies can be made in our systems.
- Audit of increased Coroner activity due to more people dying whilst subject to Dol authorisation.



- Organisation of 2 or 3 conference type events for all partners, including service users and families, to raise awareness of MCA and MCA/Dols.
- Purchase of new MCA (Rights under the Act) leaflets (from HM government via GoH) for distribution to all partners to raise knowledge of MCA and rights of those who may lack capacity for certain decisions.
- We have invited the Law Commission to present at an event for all partners in September so that maximum views and opinions can be presented regarding how Dols should look in future.
- We will have a revised electronic records system by end of January 2016 that should enhance efficiencies of BIA and admin time.
- We plan to train more BIAs – four places secured for July 2015 cohort, and more planned for later in the year.

In terms of **MCA promotion and implementation**, a full time MCA co-ordinator funded for 12 months by NHS England was appointed in May 2015. This post is shared with the six Lancashire CCGs and we are working with our health partners to harmonise MCA and MCA/Dols processes. Awareness sessions are offered, and we have a positive working relationship with our health colleagues with a great deal of joint working taking place.

### **Personnel Implications**

All new posts will be recruited to in accordance with the County Council's Vacancy Management Procedures.

### **Conclusion**

There are clearly very significant demands on the local authority with respects to Dols. A clear plan is in place to start to address the backlog of applications. The actions thus far demonstrate that we are working hard to manage this situation within our limited resources.

### **List of Background Papers**

Paper	Date	Contact/Directorate/Tel
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N/A

Reason for inclusion in Part II, if appropriate

N/A



**What are...**  
***the Deprivation  
of Liberty  
Safeguards (DoLS)?***

# What are ...

## *the Deprivation of Liberty Safeguards (DoLS)?*



Sometimes care homes and hospitals have to limit people's freedom to keep them safe. The Deprivation of Liberty Safeguards (DoLS) provide a legal framework that helps to ensure the person's human rights are protected. The DoLS are part of the Mental Capacity Act 2005. They say that people can only be deprived of their liberty when they lack mental capacity to make decisions about their care and accommodation, and it is in their best interests.

The DoLS were introduced in 2007 after a European Court of Human Rights ruling. The ruling found that a man with autism had been unlawfully deprived of his liberty in Bournemouth Hospital because the hospital had not used any legal framework to detain him. This had meant that his carers experienced real difficulty in trying to get him released from the hospital, as there was no system to appeal against his admission.

# How do ... *they work?*



In 2014 the Supreme Court said that a person is deprived of their liberty if they are under continuous supervision and control and are not free to leave. A person can be deprived of their liberty even if the restrictions are in their best interests, and where they are not objecting.

Care homes and hospitals must apply to their local authority for authorisation to deprive a person of their liberty.

The authority must send out two independent assessors to assess whether the qualifying requirements for the DoLS are met. The mental health assessor must be a specially trained doctor. The 'best interests' assessor will talk to the person and their family and friends about the person's best interests, and consider whether deprivation of liberty is a necessary and proportionate response to any risks.

If a person has a Lasting Power of Attorney or deputy for welfare decisions, then they can only be deprived of their liberty under the DoLS with their agreement. If a person has made an Advance Decision refusing a particular treatment, then the DoLS cannot be used to deprive them of their liberty to deliver this treatment.

If authorisation is granted, a 'representative' will be appointed to help the person to exercise their rights. This is often a relative, but it could be somebody with experience acting as an advocate. The person and their representative are entitled to help from an 'Independent Mental Capacity Advocate' (IMCA).



The detained person and their representative have a right to request a review by the local authority. They are also entitled to legal aid to appeal against the deprivation of liberty authorisation in the Court of Protection. The court will review whether the person lacks capacity and whether the detention is in their best interests. Sometimes the DoLS can run into tricky technical questions, and the court can determine these.

## How do ...

### *I know if things are working well?*

*Care homes, hospitals and commissioners work closely with people and their families to resolve concerns and disputes.*

*Providers seek authorisation, even if there is some doubt about whether a person is deprived of their liberty or not, to help ensure the person's rights are protected.*

*DoLS assessors are impartial and understand that an unwise decision is not the same as lacking capacity.*

*Best interests assessors consult properly with friends and family about their views and make sure any disagreements or alternative placements are properly considered and recorded.*

*People who are deprived of their liberty and their representative are offered support from an IMCA and a referral is made if they need help to exercise their rights.*

*Where there is significant disagreement about whether a person should be deprived of their liberty, local authorities apply to the Court of Protection for an independent review of the issues.*

# Practical advice



Sometimes deprivation of liberty occurs in settings other than care homes and hospitals, for example in supported living. If that occurs, providers and the local authority must seek authorisation directly from the Court of Protection. If you are worried somebody in supported living or a similar setting is deprived of their liberty you should inform the provider and the local authority.

If you think somebody may be deprived of their liberty without proper authorisation, ask the care provider to apply to the local authority for authorisation.

If you are subject to the DoLS, or represent somebody who is, an IMCA can help you with understanding the process and your rights.

Don't be afraid to exercise your right to request a review or apply to the Court of Protection if there is a serious disagreement. Advocates may be able to help you locate a solicitor.

If a DoLS application is made for a relative, and you support their care plan, remember that the authorisation means that an independent assessor agrees that the care is in their best interests.

More information can be found in the DoLS code of practice.

**Councils have to ensure that people who are unable to make their own decisions about where they live are safeguarded from having their liberty restricted. It is essential that the public, families and carers understand what these safeguards are.**

**This guide provides a jargon-free introduction to the Deprivation of Liberty Safeguards (DoLS), explains how they work and sets out what to expect.**

**This guide has been produced by Research in Practice for Adults. We are a charity that uses evidence from research and people's experience to help understand adult social care and improve how it works.**

**Author:** Lucy Series

**Many thanks to:** Ann Brooking, Esther Donald, Johnson Koikkara, John McCarthy and Rachel Hubbard for their comments on this resource.

**[www.ripfa.org.uk](http://www.ripfa.org.uk)**

Updated July 2014



# Law Commission unveils proposals for Deprivation of Liberty Safeguards replacement

Protective care scheme aims to cut bureaucracy and introduce more human rights protections into mainstream care management

By [Andy McNicoll](#) on July 7, 2015 in [Adults](#), [Deprivation of liberty](#), [Mental Health](#)

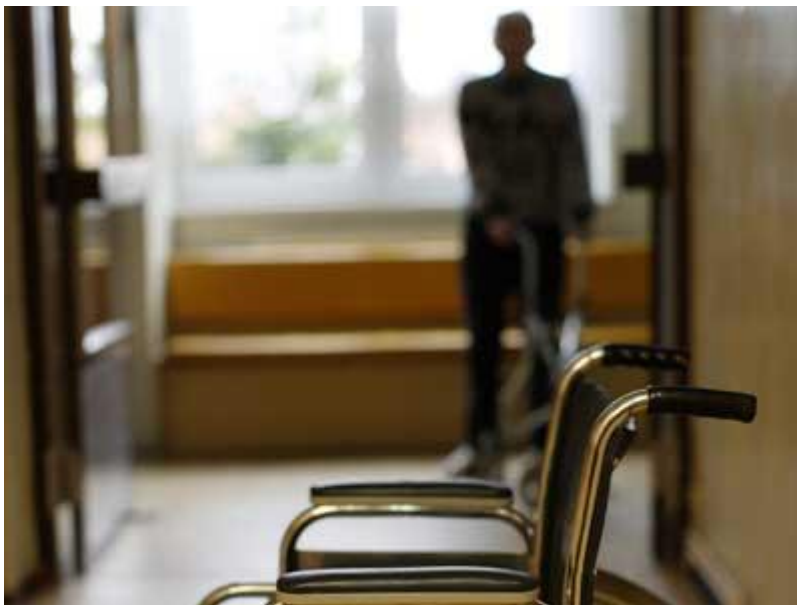


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The Law Commission has unveiled its much-anticipated proposals for a framework to replace the Deprivation of Liberty Safeguards (Dols) after concluding that the current system was “deeply flawed”.

[Draft proposals for a new framework](#) to protect the human rights of people in England and Wales who lack the capacity to consent to their care arrangements have been published for consultation today. If accepted by government they could see legislation to reform deprivation of liberty law introduced in the 2017-18 session of Parliament.

The government asked the Law Commission to design a new scheme amid concerns that the current system was not fit for purpose and was failing to cope with a [tenfold rise in deprivation of liberty cases](#) triggered by a Supreme Court ruling in March 2014.

The Law Commission's proposed umbrella framework, provisionally titled 'protective care', covers care homes, hospitals, supported living, shared lives and domestic settings. The nature and extent of the safeguards offered by the system vary according to the care setting and level of restrictions proposed.

The commission recommends that deprivation of liberty cases involving mental health patients should be handled separately by amending and extending the scope of the Mental Health Act.

### The current system

Under the current system, any deprivations of liberty in care homes and hospitals must be authorised under the Dols. This process involves six assessments and is coordinated by best interests assessors (BIAs), who are typically specially trained social workers.

In order to authorise deprivations of liberty in other settings, such as supported living, local authorities must currently apply to the Court of Protection. This is often a complicated and costly process. Councils made just 1.6% of the court applications they believed may have been necessary to comply with the law in 2014-15, [research published last month by Community Care revealed](#).

The Law Commission found that there was a "compelling case" for replacing the current system. It concluded that the Dols was perceived as overly complex by practitioners and was not meaningful enough for service users and carers.

The commission proposes what it labels a more "straightforward" system that would remove unnecessary bureaucracy. The proposed scheme also aims to better integrate human rights protections into assessments and care planning undertaken as part of the Care Act, Mental Capacity Act and Welsh social care legislation.

In another significant change, the proposed replacement scheme would apply to people aged 16 and over. The Dols only covers people aged 18 and over.

### A proposed two-tier system to cover social care

At the heart of the Law Commission’s proposed new system is a two-tier framework for safeguarding the rights of people in care homes, supported living and other community social care placements.

The first tier, known as ‘supportive care’, would place a duty on local authorities to offer baseline preventive safeguards. This would include the appointment of an independent advocate or appropriate person. ‘Supportive care’ would be triggered where a person is facing a move into one of the settings – or more restrictive care in an existing setting – and lacks the capacity to consent to this.

The second tier, known as the ‘restrictive care and treatment scheme’, would kick in when people are subject to “sufficiently intrusive or restrictive care”. Cases meeting this criteria would trigger an extra layer of safeguards, including strengthened rights of appeal through a tribunal system.

The ‘restrictive care and treatment’ scheme would provide the legal authority to deprive a person of their liberty. In this regard, it is the direct replacement for the Dols. However, the scheme will also cover cases where restrictions fall short of the ‘deprivation of liberty’ threshold so it effectively extends safeguards to a broader group of people than the Dols. The scheme could also be used to authorise a deprivation of liberty in family and other domestic settings.

### Approved mental capacity practitioners

The Law Commission recommends that the ‘restrictive care and treatment scheme’ is overseen by a new approved mental capacity professional (AMCP) role. This would be a revised and expanded version of the current BIA role.

The AMCP role is designed to reflect an “equivalence of skills and knowledge” in the Mental Capacity Act to that of the approved mental health professional (AMHP) – the group of practitioners – mostly, but not exclusively, social workers – trained to coordinate Mental Health Act assessments. Like the AMHP role, the AMCP would act as independent decision-makers on behalf of a local authority.

If the AMCP recommendation was taken up by government, transitional provisions should be made to enable BIAs to become AMCP assessors “without significant administration or expense”, the commission said.

### **What would the scheme mean for social workers?**

The ‘supportive care’ part of the Law Commission’s framework would come into effect if

you held a case where someone was facing a move into a care home or community placement – or more restrictive care in an existing placement – and they lacked the capacity to consent to this.

The social worker's job would be to ensure that preventive safeguards were in place, notably that the person had access to an independent advocate or appropriate person in order to make sure that their case could be reviewed. There would be no requirement for an independent assessment and in most cases the preventive safeguards would form part of existing assessments under the Care Act or the equivalent legislation in Wales.

The social worker would also have to consider whether the level of restriction being proposed for the new care placement could require a referral for the 'restrictive care and treatment' scheme, which comes with additional safeguards. If the social worker believed that the person may meet the threshold for 'restrictive care and treatment' they would refer the case to an approved mental capacity practitioner (AMCP).

The AMCP would then be required to undertake an assessment themselves or to arrange and quality assure an assessment to be undertaken by a professional involved in the person's care, such as the case-holding social worker, to check if the person met the criteria. This would be done by checking a 'non-exhaustive' list of restrictions, such as whether the person was under 'continuous or complete supervision and control' or 'free to leave'.

The AMCP would also be required to make sure that care arrangements complied with the Care Act, or equivalent Welsh legislation, and Mental Capacity Act. They would have a duty to ensure that regular review meetings took place, involving the family, and an advocate or appropriate person was involved in the person's care.

The AMCP would also have the power to recommend that conditions should be included in the care plan. The 'restrictive care and treatment' scheme would also include the right for the person, the AMCP, family members, advocates or an appropriate person to seek reviews of the care plan and apply to a First-Tier Tribunal to appeal their case. There would also be a right to appeal any decision of the tribunal to an Upper Tribunal or Court of Protection.

## **Arrangements for health and mental health settings**

The Law Commission proposals also include separate arrangements for authorising deprivation of liberty cases involving hospitals or mental health patients.

A 'hospital settings scheme' would apply to patients in hospital and palliative care settings. This would allow for a person to be deprived of liberty for up to 28 days in hospital based on the report of a doctor. Any further authorisation for deprivation of liberty would require a referral to an AMCP. This scheme would focus on deprivation of

liberty rather than the broader 'restrictions' focus of the framework to cover social care settings.

The Law Commission also concluded that practitioners found the relationship between the Dols and the Mental Health Act confusing. It proposes amending the Mental Health Act to create a new mechanism for handling deprivation of liberty cases involving mental health patients.

### **The underlying principles**

The commission's proposed scheme is underpinned by a number of key principles. These include that the system should be rooted in the Mental Capacity Act, should be straightforward and non-elaborate, should be aimed at delivering improved outcomes for people, their families and carers, and is compliant with the European Convention on Human Rights.

The commission has stressed that today's proposals represent an initial view for law reform and it is keen to hear feedback from social workers on the proposed scheme. The consultation period will last four months. A report with final recommendations and a draft bill outlining a new scheme will be produced for ministers by the end of 2016.



## Deprivation of liberty: Court ruling leaves councils struggling to find representatives for people lacking capacity

Local authorities finding that paid professionals to take on role of relevant person's representative are in short supply

By [Andy McNicoll](#) on June 10, 2015 in [Adults](#), [Deprivation of liberty](#)

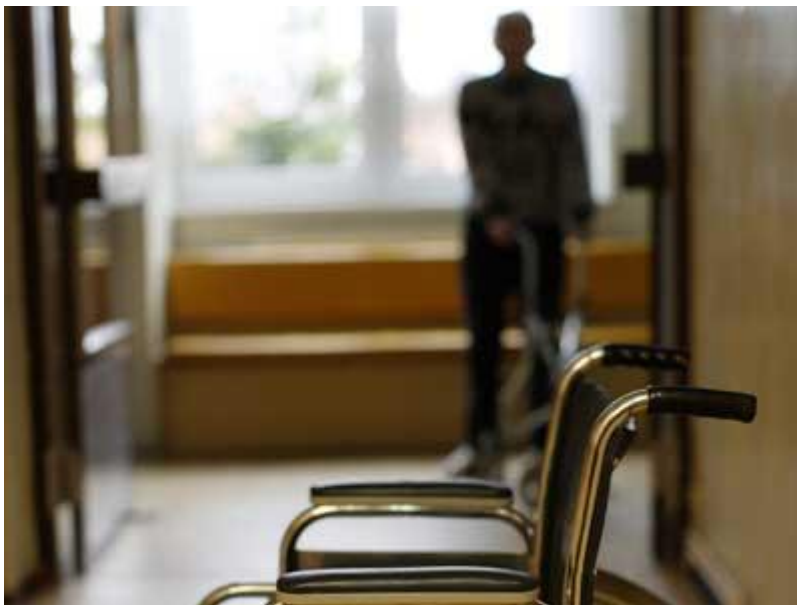


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A Court of Protection ruling has left councils struggling to find family members to support people lacking capacity to challenge decisions made about their care under the Deprivation of Liberty Safeguards (Dols).

The impact of the ruling, in the case of *AJ (by her litigation friend the Official Solicitor and a local authority)*, is forcing authorities to turn to paid professionals to take on the role of relevant person's representative (RPR) for people subject to the Dols. However, as the advocacy services from which paid RPRs are drawn are under severe pressure themselves, they too are in short supply.

The situation has added further pressure to a Dols system already under significant strain from the tenfold increase in cases triggered by the [2014 Supreme Court ruling in the 'Cheshire West' case](#).

Everyone who is deprived of their liberty in a care home or hospital under the Dols is entitled to an RPR. The RPR must represent and support the person in matters connected to the Dols authorisation. This includes making a legal challenge to the Dols authorisation if the person wishes to.

Other than in cases where a person with the capacity to select their RPR chooses to do so, or an attorney or deputy with authority to select an RPR does so on the person's behalf, best interests assessors (BIAs) must recommend a family member, friend or carer that they feel can fulfil the role. The local authority then decides whether to appoint them. Where a BIA cannot find a suitable family member, friend or carer, the local authority may appoint a paid representative, often an advocate.

It has been common for a family member or friend of the person to be selected as their RPR. However the court's judgement in the AJ case has triggered concerns over potential conflict of interests in loved ones taking on the role.

### **The AJ ruling**

AJ was an 88-year-old woman with dementia who lived with her niece (Mrs C) and her niece's husband (Mr C). She objected to a decision to move her to a care home on a long-term basis after a respite placement when Mr and Mrs C were on holiday.

The council appointed Mr C as AJ's RPR. An Independent Mental Capacity Advocate (IMCA) was instructed to support Mr C. Yet despite AJ's known opposition to the care home placement, no legal challenge was made to the Dols authorisation until more than six months after she was admitted into residential care.

There was no effective communication between Mr C as RPR and the IMCA. When the IMCA finally spoke to Mr C he realised that Mr C was not going to initiate proceedings to challenge the Dols authorisation. At that point the IMCA agreed to act as AJ's litigation friend and instruct solicitors to make an application to the Court of Protection on her behalf.

Mr Justice Baker found that the BIA in the case should not have recommended Mr C as AJ's RPR because it was clear that Mr C supported her being placed in the care home long term. As a result, his own views conflicted with supporting AJ in any challenge. The



court also found that the local authority should have scrutinised the BIA's decision, identified the conflict, and referred the matter back to the BIA.

## **The impact**

The judgement has led to councils increasingly turning to paid representatives to take on the RPR role in a bid to avoid similar conflicts. Paid RPRs are usually sourced from local advocacy services. However, social workers warned that the introduction of new advocacy duties under the Care Act, coupled with sustained pressures on Independent Mental Capacity Advocate (IMCA) teams, means paid-for RPRs are in short supply.

Steve Chamberlain, an independent BIA and trainer, said that the AJ ruling was right to reinforce a person's right to challenge Dols authorisations but acknowledged that it had created dilemmas for practitioners.

"It is leading to BIAs facing very difficult conversations with family members. Explaining Dols is complex to start with and the language of 'deprivation of liberty' already sounds like punishment. But now we're also having to tell a lot of people we don't think they can represent their loved one. It makes the whole discussion with family members much more complicated," he said.

"The other big question is whether we have the resource in place around advocacy to cope with this? RPRs do not have to be advocates, but in reality councils often use the same people for the RPR role. So coupled with the fact that we've now got a huge additional requirement for advocates under the Care Act will there be enough people to do it? At the moment, it doesn't feel that there will be."

## **Resource shortage**

Lorraine Currie, Dols lead for the Association of Directors of Adult Social Services (Adass), raised similar concerns.

"It is very, very difficult to find family members now as representative. That inevitably means more paid reps and it's really hard to get them because there aren't enough resources to go around," she said.

"The IMCAs are so stretched doing their day-to-day MCA cases that they can't pick up the paid RPR role as quickly as we need them to... And BIAs are struggling. They're saying it can feel really conflicted when you're having discussions with family members."

Asked about the ruling's implication, one Dols lead told Community Care: "There aren't enough advocates to provide meaningful paid representation to all who might now need it."

[Adass has revised its Dols forms](#) in light of the ruling in order to flag-up the responsibilities of BIAs and local authorities in the RPR selection process. The association is also scoping out possible solutions to boosting the pool of potential paid RPRs that councils can call on, including the potential for regionally or nationally-commissioned services.

The greater focus on RPRs being willing to challenge Dols authorisations also means local authorities are bracing themselves for more legal challenges.

### **Other implications**

The RPR dilemmas triggered by the ruling are only one implication to come out of the AJ case. The judgement also raised concerns over local authorities' use of respite placements.

Although the initial care home placement was set up for AJ as respite, it was hoped that she could remain in the home on a permanent basis if she was settled. AJ stated that she did not wish to be in the home and repeatedly asked to leave. No assessment under the Dols had been carried out prior to her arrival. An urgent authorisation was granted by the care home manager after she arrived.

The court found that the local authority should have either carried out a Dols assessment or made an application to the Court of Protection prior to AJ's arrival at the home to authorise a deprivation of liberty. Labelling the first two weeks of the placement as "respite" did not justify the council's failure to do this, the court found.

Currie said that she welcomed the fact the judgement highlighted that local authorities should not be using respite as a means of getting placements through "using the back door". The ruling also reinforced the need for councils to get a Dols authorisation or court application in place before a person is moved from their homes, she said.

### **A system under strain**

The ruling is an added pressure on a deprivation of liberty system that is already under severe strain after a landmark Supreme Court ruling in March 2014 triggered a ten-fold rise in cases. Currie said that a series of case law judgements coming out since the

Supreme Court ruling meant local authorities were having to react to an ever-changing picture.

“The system is dealing with far greater numbers than it was ever built to cater for,” she said.

The government has asked the Law Commission to review the legal frameworks for authorising deprivation of liberty in care. Draft proposals will be published in July. To learn more, [sign-up for a free Community Care webinar with one of the authors of the proposals.](#)





Department  
of Health

## LOCAL AUTHORITY SOCIAL SERVICES LETTER

To: The Director of Adults' Social Services

County Councils )  
Metropolitan District Councils ) England  
Shire Unitary Councils )  
London Borough Councils  
Common Council of the City of London  
Council of the Isles of Scilly

30 March 2015

### **Deprivation of Liberty Safeguards (DoLS) Grant 2015/16 No. 31/2569**

#### **Summary**

1. On the 27 March 2015, the Minister for Care and Support announced an additional £25m would be made available to local authorities for the Deprivation of Liberty Safeguards (DoLS). The letter at Annex A refers.
2. The purpose of this letter is to provide details of the amounts being provided to individual local authorities. This can be found at Annex B. This one-off funding is being provided through the Relative Needs Formula and is not ring-fenced.

#### **Information requested**

3. It is for individual local authorities to determine how these funds are best deployed. However, the Department of Health would suggest it is worth having local discussions about how this extra funding could be used sustainably and for longer term benefit.
4. To help inform and spread best practice, the Department is asking that each local authority sends a short return detailing how these additional funds have been spent.
5. We would ask you to submit to us, by 1 July 2015, details on:

- Work planned/ undertaken to increase the efficiency of the DoLS system
  - Work planned/ undertaken to improve staff and partner understanding of the DoLS (and the wider Mental Capacity Act)
  - Real-life (anonymised) examples of where use of the DoLS has improved service-user well-being
  - Your thoughts on where improvements could be made to current implementation of the DoLS and your priorities for future work.
6. In the interests of minimising demands on your time we would suggest you look to provide no more than three sides of A4. Returns should be sent to [Niall.Fry@dh.gsi.gov.uk](mailto:Niall.Fry@dh.gsi.gov.uk).

### **Enquiries**

7. Any further enquiries can be directed to Niall Fry, Policy Lead for the Mental Capacity Act and Deprivation of Liberty Safeguards at the Department of Health.

## ANNEX A – Letter of 27 March 2015: Announcement of DoLS Grant



Niall Fry  
Department of Health  
Area 313B, Richmond House  
79 Whitehall, London SW1A 2NS  
E-mail: [niall.fry@dh.gsi.gov.uk](mailto:niall.fry@dh.gsi.gov.uk)  
Twitter: @NiallatDH

27 March 2015

### To: MCA-DoLS leads in local authorities and the NHS

Dear Colleagues,

As you know, there has been a very significant increase in Deprivation of Liberty Safeguard (DoLS) applications over the last year. Official data from the Health and Social Care Information Centre (HSCIC) show that in the nine months since March 2014 there have been approximately 90,000 DoLS applications – a ten-fold increase on previous activity levels.

The response that you and your colleagues have mounted over the last year is impressive. It has maintained the focus on the needs of the individual and the ethos of the wider Mental Capacity Act. DoLS is not simply paperwork. Every application processed is a person receiving independent scrutiny of the conditions of their care – in some cases resulting in a real improvement in their well-being.

Such scrutiny is not without cost and clearly the public sector continues to operate within a challenging financial environment. It is clear that those responsible for implementing DoLS must continue to strive – as I know you are – to apply best practice and find efficiencies within the current system to ensure we maximise value for taxpayer's money.

The Government continues to value the importance of DoLS as part of the wider drive to less restrictive care and putting the views of the individual first and foremost. Especially now, we have an opportunity with DoLS to push this important agenda forwards.

As such, the Minister for Care and Support, Norman Lamb MP, has today announced that the Department of Health will provide local authorities with a one-off non-recurrent contribution to the cost of DoLS of £25m for the upcoming financial year (2015/16). This will be made available through the Relative Needs Formula. The Minister's announcement can be found at: <http://www.communitycare.co.uk/2015/03/27/lamb-providing-25m-help-staff-deliver-deprivation-liberty-safeguards/>

I hope you will agree with me that in the current financial climate this sum of money is a real recognition of the value of DoLS for vulnerable individuals. Details as to the allocation for individual local authorities will follow shortly. This additional funding, like current MCA-DoLS funding, is not ring-fenced. Local authorities have the flexibility to decide how this money is spent according to local circumstances.

The Department would suggest though that it may be worth having local discussions about how this extra funding could be used sustainably for long-term benefit. We will be asking local authorities to make short returns to us as to how this additional funding is used – which will provide an opportunity for determining best practice on use of the DoLS and gathering more information on the benefits use of DoLS has had for service users.

I hope you will welcome this announcement. In the context of the wider Government finances this is a real testament to the person-centred care you and your teams are working tirelessly to deliver.

Finally, I would take this opportunity to highlight:

- The **Law Commission's** work to review the DoLS legislation is gathering pace. Their public consultation goes live in July and it will be essential that you feed into this process to ensure a future system is developed that works as best as it can on the ground.
- The launch of the **new on-line MCA Directory**: <http://www.scie.org.uk/mca-directory/>. There is an impressive range of MCA materials to support you in implementing the Act. Please do continue to submit materials to SCIE.
- The **new DoLS forms** produced by ADASS. Guidance on their use is to be published imminently – and I would urge you to begin using these new forms as the new financial year begins. Search the ADASS website for these early next week.
- **New guidance as to what represents a deprivation of liberty** in different health and care settings will be published very soon by the Law Society. Again, search the Law Society's website early next week.
- The Government has launched the **recruitment for the Chair of our proposed new National Mental Capacity Forum**. See the following link: <http://publicappointments.cabinetoffice.gov.uk/appointment/chair-national-mental-capacity-forum/>
- The Department's **annual report on the Independent Mental Capacity Advocate Service** has now been published. I hope this will be a useful basis to discuss priorities for the IMCA service with your partners. <https://www.gov.uk/government/publications/independent-mental-capacity-advocacy-service-7th-annual-report>



Thank you again for all you are doing. Latest updates posted on Twitter: @NiallatDH.

Yours sincerely

A handwritten signature in black ink, appearing to read 'N Fry', with a large, sweeping flourish underneath.

**Niall Fry**  
**Policy Lead**  
**Mental Capacity Act & Deprivation of Liberty Safeguards**  
**Department of Health**

## **DEPRIVATION OF LIBERTY SAFEGUARDS (DOLS) 2015/16: No 31/2569**

The Minister of State for Care and Support (“the Minister of State”), in exercise of the powers conferred by section 31 of the Local Government Act 2003, makes the following determination:

### **Citation**

1) This determination may be cited as the Deprivation of Liberty Safeguards grant (2015/16) No 31/2569.

### **Purpose of the grant**

2) The purpose of the grant is to provide support to local authorities in England towards expenditure lawfully incurred or to be incurred by them.

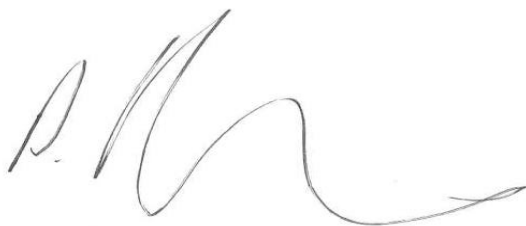
### **Determination**

3) The Minister of State determines as the authorities to which grant is to be paid and the amount of grant to be paid, the authorities and the amounts set out in Annex A.

### **Treasury consent**

4) Before making this determination in relation to local authorities in England, the Minister of State obtained the consent of the Treasury.

Signed by authority of the Minister of State for Care and Support:

A handwritten signature in black ink, appearing to be 'P. Richardson', written in a cursive style.

Paul Richardson

30/03/15

Deputy Director - Social Care Quality & Safety  
Social Care, Local Government and Care Partnerships  
Department of Health

## ANNEX A

Local Authority	Allocation
Barking and Dagenham	£97,393
Barnet	£154,399
Barnsley	£132,096
Bath and North East Somerset	£77,840
Bedford	£66,220
Bexley	£99,027
Birmingham	£597,365
Blackburn with Darwen	£81,538
Blackpool	£96,393
Bolton	£148,278
Bournemouth	£94,284
Bracknell Forest	£38,596
Bradford	£245,036
Brent	£143,257
Brighton and Hove	£131,057
Bristol, City of	£216,359
Bromley	£126,982
Buckinghamshire	£178,274
Bury	£87,116
Calderdale	£98,199
Cambridgeshire	£247,899
Camden	£137,148
Central Bedfordshire	£92,370
Cheshire East	£154,735
Cheshire West and Chester	£156,503
City of London	£5,204
Cornwall	£297,961
County Durham	£301,053
Coventry	£165,447
Croydon	£149,476
Cumbria	£267,437
Darlington	£53,458
Derby	£122,514
Derbyshire	£386,913
Devon	£381,390
Doncaster	£161,054
Dorset	£206,420
Dudley	£166,573
Ealing	£151,207

East Riding of Yorkshire	£154,237
East Sussex	£275,803
Enfield	£138,521
Essex	£631,413
Gateshead	£120,884
Gloucestershire	£269,865
Greenwich	£141,896
Hackney	£149,867
Halton	£68,174
Hammersmith and Fulham	£97,961
Hampshire	£507,146
Haringey	£122,475
Harrow	£103,448
Hartlepool	£53,453
Havering	£107,273
Herefordshire, County of	£93,932
Hertfordshire	£441,004
Hillingdon	£111,051
Hounslow	£106,596
Isle of Wight	£81,751
Isles of Scilly	£1,350
Islington	£137,161
Kensington and Chelsea	£92,459
Kent	£657,540
Kingston upon Hull, City of	£154,981
Kingston upon Thames	£61,139
Kirklees	£198,387
Knowsley	£104,219
Lambeth	£160,951
Lancashire	£588,603
Leeds	£353,144
Leicester	£167,865
Leicestershire	£257,520
Lewisham	£145,907
Lincolnshire	£359,248
Liverpool	£315,425
Luton	£84,067
Manchester	£284,379
Medway	£106,440
Merton	£79,777
Middlesbrough	£80,847

Milton Keynes	£96,862
Newcastle upon Tyne	£160,089
Newham	£156,631
Norfolk	£445,726
North East Lincolnshire	£83,169
North Lincolnshire	£81,165
North Somerset	£98,554
North Tyneside	£109,982
North Yorkshire	£258,517
Northamptonshire	£289,825
Northumberland	£162,288
Nottingham	£165,336
Nottinghamshire	£376,221
Oldham	£119,718
Oxfordshire	£244,433
Peterborough	£84,657
Plymouth	£136,971
Poole	£68,005
Portsmouth	£94,978
Reading	£60,747
Redbridge	£119,037
Redcar and Cleveland	£76,824
Richmond upon Thames	£70,490
Rochdale	£118,225
Rotherham	£143,497
Rutland	£14,477
Salford	£140,551
Sandwell	£197,112
Sefton	£162,654
Sheffield	£288,561
Shropshire	£148,675
Slough	£54,982
Solihull	£92,838
Somerset	£266,407
South Gloucestershire	£99,738
South Tyneside	£97,628
Southampton	£118,335
Southend-on-Sea	£87,893
Southwark	£167,536
St. Helens	£102,705
Staffordshire	£377,810

Stockport	£136,876
Stockton-on-Tees	£90,159
Stoke-on-Trent	£142,069
Suffolk	£347,883
Sunderland	£167,230
Surrey	£426,095
Sutton	£78,643
Swindon	£82,054
Tameside	£123,097
Telford and Wrekin	£82,591
Thurrock	£69,782
Torbay	£88,382
Tower Hamlets	£156,263
Trafford	£100,875
Wakefield	£175,880
Walsall	£152,728
Waltham Forest	£116,127
Wandsworth	£138,395
Warrington	£87,865
Warwickshire	£238,356
West Berkshire	£53,429
West Sussex	£352,368
Westminster	£141,137
Wigan	£169,837
Wiltshire	£194,460
Windsor and Maidenhead	£50,822
Wirral	£192,039
Wokingham	£42,836
Wolverhampton	£146,824
Worcestershire	£254,360
York	£78,059
<b>Total</b>	<b>£25,600,000</b>

## **Cabinet Committee on Performance Improvement**

Meeting to be held on 28<sup>th</sup> July 2015

### **Report of the Head of Exchequer Services**

Electoral Divisions affected: All
--------------------------------------

### **Debt Management Recovery Plan Update Report**

(Appendices 'A' and 'B' refer)

Contact for further information:

Kate Lee, (01772) 531733, Head of Exchequer Services,  
kate.lee@lancashire.gov.uk

#### **Executive Summary**

In October 2013 a Performance Indicator Recovery Plan was presented to Cabinet Committee on Performance Improvement relating to the average days taken to receive payment and also contained details about the position on outstanding debts owed to the County Council.

In March 2015 an update report was provided to the Cabinet Committee on Performance Improvement as the level of outstanding debts was still highlighted as unacceptable and increasing. Members requested that a further update report on the Debt Management Recovery Plan be presented at July's meeting as significant progress was expected during the period March – June 2015.

#### **Recommendation**

The Cabinet Committee on Performance Improvement is asked to review and comment on the report.

## **1. Background and Advice**

In October 2013 a Debt Management Performance Indicator Recovery Plan was presented to the Cabinet Committee on Performance Improvement (CCPI) relating to the average days taken to receive payment, but also contained details about the position on outstanding debts owed to the County Council. This report identified a number of actions that needed to take place and provided deadlines.

An update report on the Debt Management Performance Indicator Recovery Plan was provided to CCPI in March 2015 which provided a list of actions that were due to be completed by June 2015. The action points that were presented and discussed are set out below:

- Development of a Corporate Income and Debt Management Policy
- Charging Policy for Care
- Development of Debt Strategies and subsequent re-configuration of IT systems
- Direct Debit Take Up/Financial Assessment Process
- Paperless Direct Debit
- Clarification of Roles with Legal Services

In addition to the ongoing work above, additional actions were also underway to support the recovery plan, these are detailed below:

- Establishment of the Debt Management Programme Board
- Additional Resources allocated to the Debt Management Team
- Utilising information technology to improve collection success
- Increased resources available to Budget Holders

At the meeting, Members requested a further update report in July 2015.

## **2. Update on Debt Management Performance Indicator Recovery Plan**

### **a) Development of Corporate Income and Debt Management Policy**

A new Income and Debt Management Policy, Processes and Responsibilities document (Appendix 'A') was approved by the Deputy Leader and was effective from 1<sup>st</sup> April 2015. This was in advance of the estimated time of June 2015 shared with CCPI in March 2015.

The new policy aims to:

- Incorporate elements of commercial best practice appropriate to local authority circumstances (credit checks, payment in advance, timely invoicing, regular monitoring, swift remedial action, cessation of discretionary services).
- Recognise the discrete types of debt which face the County Council and targets effort and resources specifically and effectively at their underlying causes in an effort to ensure debt is raised appropriately in the first instance.
- Improve management information which shows a more accurate position of unsecured debt and taking into account factors 'out of our control', such as the time it takes to settle deceased estates.
- Provide a clear framework for effective income and debt management which moves towards working with and educating services to ensure basic requirements are complied with when raising debt in the first instance.
- Incorporate a fully revised and updated debt recovery and write off procedure.

The Debt Management Policy, Processes and Responsibilities has been shared and publicised in the following way with key stakeholders involved in ensuring it is successfully implemented:

- Distributed to all Heads of Service and above, as a key principal of the document is the accountability and responsibility of a Head of Service (as



Budget Holder) for the recovery of debts accrued by their service. Mandatory briefing sessions have been held surrounding the key principles of the Policy, Processes and Responsibilities for all Heads of Service and above at the end of June 2015.

- Shared with the Chair of the Budget Scrutiny Working Group. She asked that the document be shared with the Members on this group and they would provide feedback and request the Head of Exchequer Services to attend a future meeting if required.
- All staff within Financial Resources and several members of the Legal Services Team have had a copy of the Policy, Processes and Responsibilities shared with them in addition to attending a mandatory briefing session.
- Publicised on the Debt Management intranet page.

The implementation of the new policy will be supported by changes that are currently being made to the IT systems that are used for Debt Management.

The Debt Management Policy, Processes and Responsibilities will be reviewed in 6 months with amendments to be delegated to the Interim Director of Financial Resources.

#### b) Charging Policy for Care

The requirement for an updated charging policy for adult social care reflects the need to publicise changes brought about through the County Council's implementation of the Care Act and to better explain and support prospective service users preparing to receive care services (funding care, undergoing a financial assessment, making payments where a contribution is required, advising the County Council about changes in circumstances).

There is no specific update on progress on this action point, as a new charging policy for care will be developed as part of the County Council's timetable for the implementation of the Care Act and will include consideration of the avenues available for limiting the incidence of debt (promoting/incentivising Direct Debit, deferred payment arrangements) and preventing payment arrears from escalating (early intervention on non-payment).

#### c) Development of Debt Strategies and subsequent re-configuration of IT systems

The new Accounts Receivable IT system is due to "go live" on 17<sup>th</sup> July 2015. This is a month later than anticipated due to a delay in the availability of the test system. The delay was essential as the testing phase of the project is critical as there is a need to ensure that during the life of a debt the appropriate action is taken and that correct contact is made with the debtor.

A significant amount of work has taken place to ensure that correspondence is efficient and cost effective, with the debtor receiving the lowest amount of different envelopes on a daily basis as is possible.

It is anticipated that the automated system for sending out reminders, statements and letters, combined with the improved classification of debtors using the newly

developed debt strategies, should enable the Authority to recover debts more promptly which subsequently will improve the probability of collection.

d) Direct Debit Take Up/Financial Assessment Process

A key factor in the collection of care debt is the take-up of direct debits. All clients are encouraged to sign up to a direct debit mandate in order that care debt can be collected promptly. Direct debit take up has started to fall over the last 6 months and is largely attributable to the implementation of the care systems replacement that went live in June 2014. Issues in implementing the new system resulted in some incorrect bills and consequently some clients cancelled these. A significant amount of work has been in place to overcome the issues of the systems implementation and we are now in a position where there is greater confidence in the billing and therefore it is hoped that more clients will choose direct debit as the preferred method of payment. A full review of the Direct Debit process has recently commenced and is part of a larger project looking into methods of payment in and out of the County Council.

The speed of financial assessments is also another key factor in ensuring that clients are aware of care costs as early as possible and that they are charged accordingly. Since the last CCPI meeting, the financial assessment team has transferred back to the County Council from the previous strategic partnership, OCL, and work is underway to ensure that effective processes are in place. A process review within the service area will commence once the IT system is implemented.

e) Paperless Direct Debit

Paperless direct debit capabilities are currently under development and will be progressed once the new debt strategies have gone live in July 2015 in conjunction with the payments and income methods project detailed above.

f) Clarification of Roles with Legal Services

The implementation of the new debt strategies on 17<sup>th</sup> July 2015 will result in an increased and automated referral of some cases to Legal Services for appropriate cases.

The current debt strategies do not refer Care Debts automatically to Legal Services due to the sensitive nature of care debts to potentially vulnerable adults. However, following a review of the "Top 100" Care Debts owing to the County Council a Care Debt Review Board has been established that will review large outstanding debts and determine appropriate action, which may include referral to Legal Services.

### **3. Update on Additional Action Points/Support to the Recovery Plan**

a) Establishment of the Debt Management Programme Board

The Debt Management Programme Board has continued to meet on a fortnightly basis to ensure that work to ensure key milestones are achieved. The Board

contains members of Exchequer Services, Internal Audit and BTLS. The Board has taken key decisions to ensure all work streams of the project are aligned and identified where work streams impact on each other. The Board has proved to be a key tool in progressing the various work streams and will continue to be held until the IT systems are fully implemented.

b) Additional Resources allocated to the Debt Management Team

Additional temporary resources were appointed to complete a "cleanse and migrate" process prior to moving the existing debt information from the current Accounts Receivable system to the newly implemented system. The team have focussed on older debts and have contacted debtors by telephone to ascertain current circumstances and form a decision on whether an invoice should be assigned to a new strategy, referred to the Debt Collection Agency (DCA) or Legal Services for recovery action or be recommended for write off.

c) Utilising information technology to improve collection success

The successful implementation of the IT systems that will "go-live" on 17<sup>th</sup> July will result in the following:

- Effective debt reporting to be produced at an appropriate level of detail, by client and in a timely manner.
- Improved and more automated debt collection strategies resulting in an overall greater automation of the entire debt collection process. This will include progressing debt through to debt collection agencies, legal action and write off. The redesign of the debt strategies will result in a greater differentiation between cases within Accounts Receivable which will assist in prioritising/targeting collection effort more effectively.
- Improved letter and email templates to be distributed to debtors
- Enhanced printing and enveloping procedure that will collate letters in certain circumstances, consolidate summary information and create statements. This should result in debtors receiving clearer information on the debt that they owe to the County Council.
- Use of automated Oracle workflow functionality to manage internal invoice query resolution, freeing collector resources.
- Movement towards paperless direct debits wherever possible to secure direct debit payment agreements immediately (whilst in discussion with the debtor by phone) thus removing the opportunity for default associated with the current requirement to exchange of paperwork by post.

d) Increased resources available to Budget Holders

The Income and Debt Management Policy, Processes and Responsibilities highlights the importance of Budget Holders/Heads of Service as a key stakeholder who is accountable for debt recovery in their service area. As detailed earlier in this report Heads of Service and above have had a copy of the Policy document shared with them in addition to a follow up mandatory training session.

A critical tool that is required to enable Budget Holders to complete their role is the reports that can be provided to them from Oracle Accounts Receivable. Following the "go-live" of the new IT system Budget Holders will be provided with reports that provide clear information on their outstanding debt position. It is anticipated that in the future these reports will be available to Budget Holders in conjunction with their monthly budget monitoring reports.

#### **4. Outstanding Debt Information**

Appendix 'B' provides additional information on the current position of key performance indicators in relation to Debt Management:

- Outstanding Debt Balance Analysis
- Outstanding Debts over 180 days (6 months)
- Bad Debt Provision Analysis

The data aims to provide an overall picture of the trends within the outstanding debt held by the County Council. It is highly important that we thoroughly understand the underlying themes and trends behind the outstanding debts as this should result in us being able to target particular areas and review our recovery process to enhance the probability of recovery.

#### **Consultations**

N/A

#### **Implications:**

This item has the following implications, as indicated:

#### **Risk management**

The outcome of failing to review, recognise and conclude uncollectable cases in a timely way is a relentlessly increasing burden of cases on in-house debt collection officers. A high volume of live cases comprises the ability of collectors to respond to new cases quickly and results in an enlarged and unmanageable debt stock which overestimates the value of income the County Council is likely to recover. The new Income and Debt Management Policy, Processes and Responsibilities in addition to new and automated IT systems and strategies, will support the increased probability of debt recovery.

## List of Background Papers

Paper	Date	Contact/Tel
Quarterly Corporate Performance Monitoring and Improvement Quarter 3 2014/15 Report	10 <sup>th</sup> March 2015	Lisa Kitto/x34757
Income and Debt Management Policy Processes and Responsibilities April 2015	1 <sup>st</sup> April 2015	Kate Lee/x31733



**Income and Debt Management  
Policy, Processes and Responsibilities  
April 2015**

**Lancashire County Council  
Income and Debt Management  
Policy, Processes and Responsibilities (2015)**

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## **Lancashire County Council Income and Debt Management Policy (2015)**

### **1. Introduction**

- 1.1 Lancashire County Council exists to provide quality services to the people of Lancashire and strives to be as efficient and cost-effective as possible in doing so. Many of the services delivered are directly charged for or attract funding contributions from other parties.
- 1.2 Collecting all sums due quickly, efficiently and in full is fundamental to maintaining the financial health of the County Council, maximising the funding available for service delivery and fulfilling the County Council's obligation to protect public monies.
- 1.3 This policy will be reviewed during 2015 as new systems and processes are developed.

### **2. Policy Objectives**

- 2.1 The Income and Debt Management Policy sets out the standards to be applied and the approaches to be followed in managing income and debt.
- 2.2 The objective of the policy is to ensure all income due to the County Council is managed in a consistent, cost effective and timely way which maximises the value of income realised and minimises the value of bad debt encountered in providing services.

### **3. Policy Scope**

- 3.1 The Income and Debt Management Policy encompasses actions and procedures at each stage of the income cycle from initial charging policy through to debt collection, enforcement and write off actions.
- 3.2 The terms of the policy apply to all sums due to the County Council whether the debtor is an individual, a company or another external organisation.
- 3.3 The principles and procedures set out in this policy reflect roles and responsibilities which fall across a range of individuals including:
  - Staff providing services directly to customers.
  - Administrative and support staff – taking orders, raising invoices, resolving customer queries, receipting payments and maintaining customer accounts and records.
  - Specialist teams and agents - undertaking debt collection and legal action on behalf of the County Council.

### **4. Principles of Good Practice**

- 4.1 The County Council will adhere to the following principles of good practice in managing income and debt arising through the delivery of chargeable services:
  - Clear and coherent charging policies reviewed regularly and applied consistently.
  - Methods of making payment which are efficient, convenient and cost effective.
  - Prompt and accurate invoicing which supports swift and full payment.
  - Timely, appropriate and consistent debt collection and legal action.
  - Regular monitoring, early recognition and timely action on bad debts.

## **5. Charging Policies**

- 5.1 Lancashire County Council delivers a range of services for which it may charge the customer over a broad spectrum of statutory and discretionary charging arrangements. The County Council will ensure that the detailed basis upon which these chargeable services are offered is set out within a clear, specific and coherent charging policy. All fees and charges made by the County Council will be reviewed on an annual basis.
- 5.2 It is the responsibility of each Head of Service providing chargeable services to ensure an appropriate charging policy is in place and that it is compliant with the approach to income and debt management set out in this Policy.
- 5.3 As a minimum, all charging policies will include clear details of:
- The type(s) of chargeable service(s) to be delivered.
  - The basis upon which charges will be made for discrete services.
  - The fixed rate(s) payable (or the method of calculation where charges are variable).
  - The methods of payment available (see sections 6 and 7 below).
- 5.4 Charging policies will be easy to understand, cost effective to administer and enforced on a consistent basis. They will constitute the basis upon which customers are receiving services from the County Council and will be easily accessible and routinely shared with all customers seeking chargeable services.
- 5.5 The responsibility for ensuring charges are set, procedures are followed and payment is received in accordance with the charging policy rests with the Head of Service. The Head of Service is responsible for ensuring effective collaboration and co-operation between their staff and others involved in administering and collecting income and debt.
- 5.6 The charges made will recover the full cost of service delivery unless:
- The rate of charge is determined by statutory or other external guidance.
  - An explicitly agreed subsidy applies.
  - Delivery costs are being partially subsidised by alternative forms of funding.
- 5.7 All charging policies will be reviewed regularly (at least annually) to ensure rates of charge remain adequate and all other details remain accurate and up to date.

## **6. Payment Methods**

- 6.1 Lancashire County Council recognises the need to:
- Make it as easy and convenient as possible for customers to make payment for chargeable services.
  - Minimise the administrative and transactional costs associated with collecting income.
- 6.2 Customers will be offered a choice of modern, convenient and cost effective payment methods and will be supported and encouraged to use methods which deliver fast and efficient transactions with the minimum of administration.
- 6.3 Lancashire County Council's preferred method of payment is by Direct Debit. In all circumstances where Direct Debit is a viable method of payment it will be promoted and facilitated within local charging policies.

- 6.4 Whenever services are to be delivered on a continuing (repeat) basis, Direct Debit is to be considered a default method of payment which offers the customer and the County Council the advantages of speed, convenience, and low transactional cost.
- 6.5 Where customers are unable or unwilling to pay by Direct Debit they will be offered a choice of other payment methods including:
- Debit/credit card payment via telephone or internet.
  - Direct payment into the County Council's bank account (via Payzone, BACS, or over the counter at the bank or Post Office).
- 6.6 Payment will be accepted by cheque and cash where customers do not have the facility to pay by other methods.
- 6.7 The range of payment methods supported by the County Council will be monitored by the Head of Exchequer Services and recommendations for changes or additions to them will be made where new alternatives offer greater efficiency, economy or convenience.

## **7. Billing and Payment Arrangements**

- 7.1 The relationships that services build with their customers are central to successful income generation and are the foundation of good customer care.
- 7.2 Whenever practical, charging policies will favour payment in advance rather than in arrears. Payment in advance avoids the need to give credit and removes the potential for a debt to arise because the costs of service delivery are not incurred until after payment has been secured.
- 7.3 Whenever the County Council provides credit (by allowing payment in arrears on the raising of an invoice) there is the risk of a debt arising and additional costs associated with managing this risk which include:
- The administrative effort associated with raising customer accounts, inputting printing and posting invoices, monitoring receipts, issuing correspondence and contacting customers in pursuit of payment.
  - The expense of forfeiting income when debts arise which turn uncollectable (bad).
  - The fees and resourcing costs associated with debt collection and legal action to recover sums due.
- 7.4 Heads of Service should routinely seek to control the risk of debt by:
- Minimising the circumstances in which services are provided on credit.
  - Regularly monitoring the value, incidence and make-up of all debts facing their service.
  - Assessing whether there are viable alternatives to raising invoices in arrears.
- 7.5 Where a company or organisation is seeking to access discretionary services from the County Council for the first time (they are not an existing customer) departments should consider the appropriateness of reviewing their credit-worthiness before agreeing to provide discretionary services on credit. Requests for commercial credit checking should be directed to the Debt Manager (Exchequer Services) in the first instance.
- 7.6 No further discretionary services should be provided on credit to any client with an existing debt outstanding to the County Council. Providing the opportunity for a client to voluntarily increase the level of their indebtedness to the County Council is not in the

client's interests, not in the interests of the department providing a service, and not in the interests of the County Council as a whole.

## **8. Prompt and Accurate Billing**

- 8.1 An invoice **MUST** be raised in every case where payment for a chargeable service is due in arrears (after the receipt of the service).
- 8.2 The act of raising an invoice creates a formal record that chargeable services have been provided on credit and the recipient has a liability to make a payment to the County Council.
- 8.3 All invoices issued by Lancashire County Council must be raised within the Accounts Receivable module of Oracle Financials<sup>1</sup>.
- 8.4 All invoices must constitute a clear and unequivocal agreement to deliver defined services over a defined time period for a defined fee in order to form a reliable basis for enforcing payment should the need arise.
- 8.5 No invoice may be raised without:
  - Full and accurate information identifying the correct customer.
  - Adequate supporting information to substantiate the charge payable.
- 8.6 Invoices for one-off services must be raised within 7 days of services being delivered. The longer any amount due to the County Council is allowed to go unbilled, the greater the likelihood it will go unpaid. Income and debt collection activities are time critical.
- 8.7 Where services are being provided on a recurrent basis invoices should ordinarily reflect a monthly billing cycle or near equivalent.
- 8.8 Invoices may not be backdated. The invoice date records the commencement of the client's liability to make a payment to the County Council and must not be set retrospectively.
- 8.9 No invoice will be raised for a sum of less than £20 unless this is required for a logistical reason (such as the preparation of a final account for services that have ceased). In such cases a payment will be taken directly from the customer.
- 8.10 Where monthly billing would routinely result in invoices below £20 consideration may be given to consolidating payments over a reasonable longer time period to ensure an appropriate balance between the cost of raising an invoice and the timely receipt of any payment due.
- 8.11 Where the full costs payable by a customer are unclear (such as a social care service user awaiting the outcome of their financial assessment), interim invoices must be raised at a maximum interval of one month from the date of service delivery to ensure the total sum due (but remaining to be billed) is not allowed to escalate.

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<sup>1</sup> Under the Scheme for Financing Schools in Lancashire, a school has the power to issue its own invoices and determine its own policy and approach to debt recovery. Schools may use the SIMS Finance 6 Accounts Receivable module to raise their own invoices. Where schools request that the County Council raises invoices on their behalf, all invoices will be raised on Oracle and will be administered in accordance with the approach set out in the Income and Debt Management Policy (2015).

- 8.12 If the sum due for a one-off service or to settle a penalty, fine or charge is substantial, departments may offer customers the facility to pay by instalments provided that:
- No debt under £240 has a repayment period of more than 12 months.
  - No debt exceeding £240 has a repayment period of more than 12 months without prior consultation with the Debt Manager (Exchequer Services).

8.13 Customers accepting the additional facility to pay by instalments must agree to make all payments by Direct Debit.

## **9. Collection Principles**

9.1 The following principles of good practice apply to all staff involved in the collection of income due to the County Council.

9.2 Lancashire County Council:

- Accepts and will fulfil its responsibility to collect revenue effectively.
- Recognises that customers have a responsibility to pay for chargeable services.
- Will identify those who do not pay (or seek to delay payment) and take appropriate and timely action.
- Actively encourages contact at every stage of the collection and recovery process.
- Acknowledges the need to be sensitive and responsive to circumstances.
- Anticipates and plans appropriately for contact with vulnerable people.
- Acts responsibly, responds proportionately and conducts itself professionally in the course of seeking to maximise the value of income collected.

## **10. Customer Responsibilities**

10.1 Individuals and organisations receiving chargeable services from Lancashire County Council (or those representing service users who do so) are required to comply with the following principles of reasonable conduct:

- Invoices reflect a legal obligation to make payment and will be settled promptly as they fall due.
- Guidance on how to make payments will be followed carefully to ensure any payments made can be accurately credited against the correct account.
- Changes of address will be communicated in a timely way (in advance wherever possible).
- Immediate contact will be made with the County Council if they believe the amount they have been charged is not correct or if they are facing financial difficulties.
- Courtesy and respect will be shown to Lancashire County Council, its employees and its agents in the course of all dealings with them.
- When requested to provide information connected with a liability owed to the County Council customers will support a frank, honest and open dialogue.

## **11. Income and Debt Collection**

11.1 The County Council will use detailed transactional records held within the Accounts Receivable module of Oracle Financials to co-ordinate the collection of overdue income as debt.

11.2 Every invoice raised within Accounts Receivable is a unique record of a liability owed to Lancashire County Council by a specific customer. Once raised, this liability can only be concluded in one of three ways:



- A. When payment is received into the County Council's bank account and is receipted against the invoice by Exchequer Services - the liability is recorded as **settled** and closed.
- B. When the invoice is recognised as having been raised incorrectly or in error and is **cancelled** on the authorisation of the Budget Holder or their nominee (via an action identified as a Credit Memo within Oracle).
- C. When the invoice is recognised as being uncollectable or uneconomic to collect and is formally **excused** as a bad debt on the authorisation of the Budget Holder (via an action identified as a Write Off within Oracle).
- 11.3 Until concluded in one of these ways, an invoice represents a liability owed to the County Council which requires continuing action to collect it. The specific action required and the responsibility for taking it will depend on the value and type of debt and the length of time it has been outstanding.
- 11.4 All actions taken by the County Council to collect debt reflect the need to treat customers fairly and consistently whilst recognising the demands and requirements of different service scenarios and diverse customer groups.
- 11.5 A clear distinction will be made between arrears owed for social care services and those owed for other services so as to recognise:
- The potentially vulnerable nature of individuals likely to be contacted in the pursuit of outstanding fees for care services.
  - The underlying duty of care towards individuals in difficult, complex and often highly emotive circumstances.
  - Approaches and safeguards prescribed within the Care Act 2014 and related legislation and guidance.
- 11.6 The recognition of sensitivities and vulnerabilities does not override the responsibility to collect revenue effectively; all debt collection will follow the clear principle that people have a responsibility to pay for chargeable services.
- 11.7 Strategies for collecting the debts owed by companies and other organisations and from individuals who are not identified as potentially vulnerable will follow a more assertive collection approach in line with the norms of commercial best practice.

## 12. Payment Terms

- 12.1 All invoices raised by Lancashire County Council are payable immediately – that is, payment is due from the customer as soon as they receive an invoice.
- 12.2 Technically, immediate payment terms mean that payment is outstanding from the customer as soon as an invoice is raised, but the County Council will not begin to take recovery action against unpaid invoices until the trigger points (number of days) have been reached that are detailed in Section 13 and 14 of this Policy.

## 13. Initial Collection Action

- 13.1 The first stage of the collection process will involve contact with the debtor by post via a series of reminder letters issued automatically at defined intervals. This collection process will initially be completed manually and will be automated from 12<sup>th</sup> June 2015

following the implementation of a new debt collection system. The days detailed below will be reviewed on a 6 monthly basis to ensure they are the correct intervals that enhance the probability of debt collection.

Initial Reminder Process

	<b>Individuals</b>
Day 1	Invoice Raised
Day 21	First Reminder Letter
Day 35	Urgent Reminder
	14 day response period
Day 49	Further action falls due (further collection action)

	<b>Companies and other Organisations</b>
Day 1	Invoice Raised
Day 14	First Reminder Letter
Day 28	Final Reminder
	14 day response period
Day 42	Further action falls due (further collection action)

- 13.2 The initial reminder process ensures early contact is made and maintained with all customers owing payment. Reminder letters will:
- Highlight and reinforce the requirement to pay.
  - Seek prompt settlement of the sum due.
  - Give information and guidance on how to make a payment.
  - Encourage immediate contact with the County Council to discuss financial difficulties or other issues preventing payment.
- 13.3 Where a client makes contact in response to receiving a reminder letter this is most likely to be direct with the department who provided the service. It is the responsibility of the person receiving the contact to work supportively with the customer to resolve any issues reported and to ensure Oracle reflects an accurate and up to date account of their liability to pay Lancashire County Council.
- 13.4 If an issue is reported which cannot be resolved immediately, the **person notified of the problem** is responsible for ensuring the relevant invoice is placed into the dispute process on Oracle.
- 13.5 The dispute process is a facility for temporarily suspending further collection action and provides the opportunity for a delivery department to work directly with their client to resolve an issue reported.
- 13.6 It is the joint responsibility of all parties in direct contact with customers (Service Departments, Administrative Teams, Exchequer Services, Debt Management, and Legal Services) to ensure Oracle Accounts Receivable continues to reflect a correct account of the client's liability to make payment to the County Council. Failure to do so

may lead to inappropriate debt collection action being undertaken which will compromise the relationship with the customer and leads to reputational risk.

- 13.7 Unless an invoice is either cancelled or recorded as being in dispute on Oracle it will continue to be treated in accordance with the County Council's standard approach to debt collection which will result in further actions being taken to collect sums due once the initial reminder period has concluded.

#### **14. Further Collection Action**

- 14.1 Invoices which remain unpaid at the conclusion of the initial reminder process will be categorised for further action according to their value and type.

- 14.2 Further collection action will reflect one of the following scenarios:

- Debts identified as appropriate for further action by debt collectors (£25 to £1,500).
- Debts identified as appropriate for immediate legal action (invoices over £1,500).

- 14.3 Debts identified as appropriate for further action by Debt Collectors (£25 to £1,500)

Further action will involve contact with the debtor to identify and resolve issues and to compel them to make payment in order to avoid the possibility (and costs) of legal action.

Debt collection activity will either be undertaken by in-house Debt Collectors (Exchequer Services) or via an external Debt Collection Agency (DCA) contracted to provide services to Lancashire County Council.

All cases identified as:

- requiring a detailed understanding of complex or sensitive circumstances,
  - likely to involve contact with vulnerable individuals,
  - requiring detailed "relationship management" to produce an outcome against multiple debts simultaneously,
- will be assigned to in-house Debt Collectors (within Exchequer Services).

All contact with debtors by in-house Debt Collectors will be by telephone, letter, or email. There will be no face to face contact unless this is merited by exceptional circumstances and has the prior agreement of the customer.

Currently debt collection by Debt Collection Agency (DCA) will be in accordance with a contract for services which sets a maximum debt placement period of 6 months. Debts not collected within this timeframe will be automatically referred back to the County Council.

Collection action by the Debt Collection Agency (DCA) may involve contact with the debtor by telephone, letter or in person.

Where action by DCA fails to produce payment and identifies no reasonable prospect of recovery, cases will be returned to the County Council.

Cases returned by DCA or which remain unpaid following further action by in-house Debt Collectors will enter a regular case review process designed to ensure:

- Debt cases without reasonable prospect of collection are recognised as uncollectable and written off to avoid cases being retained indefinitely without timely conclusion.



- Debt cases which merit further action will continue to receive appropriate follow-on activity in order to bring them to a conclusion.

#### 14.4 Debts identified as appropriate for immediate legal action (Debts over £1,500)

Where it is appropriate to take legal action as soon as the initial reminder phase has concluded, the debtor will receive a letter advising them of the County Council's intention to commence legal proceedings.

The letter before action will explain the urgency of making payment or contacting the Debt Management Team within 14 days to explain any mitigating circumstances.

Unpaid invoices not identified for cancellation or placed into dispute within this 14 day period will be referred for legal action.

All legal action to recover unpaid sums due to the County Council will be undertaken by Legal Services.

The referral of a case for legal action will trigger the commencement of direct contact between Legal Services and the service in order to establish all relevant information about the case.

Service departments are responsible for working co-operatively and collaboratively with Legal Services in the course of any legal proceedings undertaken on their behalf. Heads of Service are responsible for ensuring staff are available to respond to requests for information in a timely way and to provide any other practical support required.

### 15. Legal Action

15.1 Where legal action has been threatened but the debt remains unpaid court proceedings will be issued for recovery as the Director of Legal and Democratic Services considers appropriate unless:

- It is inappropriate to take legal action due to the nature and circumstances of the case;
- There is incomplete or insufficient information to substantiate the customer's liability to make a payment;
- A liquidator (company) or a receiver (individual) has been appointed and there is no prospect of recovering the debt; and
- Legal action will not be cost effective.

If any of the above criteria are applicable to the outstanding debt then the case will be reviewed for an alternative debt recovery strategy by the Debt Management Team.

15.2 Alternative action will either involve the debt being assigned to a Debt Collector for further action or will produce the recommendation that the debt should be recognised as uncollectible and written off as bad.

### 16. Enforcement Action

16.1 Where legal action is successful but the defendant fails to comply with the terms of the court judgement, Legal Services will consider the most suitable method of debt enforcement from the following options available:

- A **warrant of execution** which empowers a County Court bailiff to attend a debtor's address to take goods to sell at a public auction

- A **third party debt order** which ensures money which would otherwise be paid to the debtor by a third party is paid direct to the County Council as their creditor
- An **attachment of earnings order** under which a debtor who is in paid employment may have money deducted directly from their wages under an instruction issued to their employer
- A **charging order** which turns an unsecured debt into a secured one by placing a legal charge on the debtor's property (usually their home) to the value of the debt owed plus interest. If the property is sold the full amount of the charge is payable to the County Council before any proceeds from the sale pass to the debtor.

## 17. Charging of Interest

- 17.1 The County Council is entitled to charge additional interest for late payment on certain types of debt.
- 17.2 As allowed for under the legislation, late payment interest will be charged on all debts which proceed to legal action. The interest due will be calculated and added to the total liability for which a court judgement or enforcement order is being sought on behalf of Lancashire County Council.

## 18. Customers Experiencing Financial Difficulties

- 18.1 The County Council will manage debts in a reasonable and sensitive manner, actively encouraging those experiencing payment difficulties to make contact as soon as possible for support and advice.
- 18.2 Where appropriate, customers who are unable to afford the full amount due from them will be offered a repayment arrangement which provides the facility to settle their debt by instalments over a defined period.
- 18.3 All instalment agreements to settle debts which have already been raised and which are therefore in arrears must be arranged by and through the Debt Management Team (Exchequer Services).
- 18.4 The County Council will only offer repayment arrangements to customers who agree to provide details of their income and expenditure as the basis for making an assessment of their reasonable ability to afford to make payments.
- 18.5 Where a customer refuses to divulge information essential for assessing their ability to make regular repayments no repayment agreement will be entered into and the full amount of the liability owed to the County Council will continue to be immediately payable.
- 18.6 Arrangements to pay by instalments will usually reflect a maximum repayment period of twelve months. Where exceptional circumstances warrant a longer repayment period the Debt Management Team will liaise with the appropriate Head of Service before formally reaching an agreement with the debtor.
- 18.7 Customers offered the additional facility to repay a debt by instalments must agree to make all repayments by Direct Debit.

## 19. Write Off

- 19.1 Where a debt case has exhausted collection efforts or has no reasonable prospect of economic recovery it will be recognised as a bad debt and written off.
- 19.2 Income and debt management actions are time critical. Failure to recognise and conclude debt cases which have turned bad continues to exert pressure on the administrative and specialist resources dedicated to debt collection. Resources are far better targeted at newer debt cases where a realistic potential for payment to be recovered still remains.
- 19.3 The responsibility for ensuring that any debts affecting their budget are being regularly monitored to identify cases appropriate for write off resides with the Head of Service.
- 19.4 All write off will be undertaken in accordance with Financial Regulations/the Scheme of Delegation to Chief Officers as follows:
- 1.31 Excusal of Debt*
- (a) To write off, in consultation with the County Secretary and Solicitor debts of up to a limit of £12,000 in any one case.*
- (b) To approve the writing off of the appropriate amount of debt where the debtor is a Company in liquidation and the Liquidator or Receiver has confirmed that there are insufficient assets to pay the outstanding debts due to the County Council in full or in part.*
- 19.5 The excusal of debts over £12,000 requires Cabinet Member approval. All such cases must be discussed in advance with the Debt Manager (Exchequer Services). This approval limit is to be reviewed during 2015/16 and likely to be increased.

## **20. Invoices Containing VAT (Write Off)**

- 20.1 There are additional requirements and considerations where an invoice to be recognised and written off as a bad debt contains VAT.
- 20.2 Under VAT regulations, no invoice containing VAT can be written off before it is 6 months old. Beyond this threshold, as part of formally writing off an invoice as a bad debt the County Council may retrospectively reclaim the VAT it accounted for when the invoice was raised.
- 20.3 An invoice containing VAT must be written off within a maximum period of 4 years and 6 months from the date it was issued for any VAT to be reclaimed retrospectively.

## **21. Costs and Charges**

- 21.1 Additional costs are incurred by the County Council when arrears of income fall to be managed as debts.
- 21.2 The costs incurred in undertaking dedicated debt collection and legal action on behalf of departments delivering chargeable services will be met directly by departmental budgets wherever costs incurred relate to individual cases (for example, when the DCA is due a fee as a % of the amount recovered) and reflect a proportion of the volume and value of cases handled where charges reflect a share of wider costs.
- 21.3 At the point a debt is written off as bad the income credited when the invoice was raised is forfeit, which leads to an immediate expense or charge. To smooth the impact of charges on the current year revenue budget an adequate provision against bad debts is required to be maintained.

- 21.4 Bad debt provisions reflect a prudent "saving up" for the likely future costs of debts falling to be written off as bad. Provisions are funded by setting aside monies in advance to offset the financial impact felt when a debt is physically written off. Adjustments and additions are required to ensure the provision reflects a true picture of the bad debts likely to materialise from the population of invoices which have been raised but remain unpaid.
- 21.5 As part of regular budget monitoring activity Heads of Service are responsible (with support and advice from Finance) for ensuring adequate planning and provision for the costs faced in managing and writing off the debts incurred in the course of delivering chargeable services.

## **22. Payroll Overpayments**

- 22.1 Payments made to employees are occasionally paid in error and need to be recovered. It is within each employee's contract with the County Council that if an overpayment is made the amount must be paid back.
- 22.2 When an overpayment has been to a current employee it is the responsibility of the Head of Service to agree a repayment plan with the employee and communicate this to BTLS Payroll Services. This amount will then be recovered through a payroll deduction. The repayment plan should not exceed 12 months.
- 22.3 If an overpayment is made to a current employee but agreement cannot be reached in relation to a repayment plan the matter is referred to the Debt Manager. The employee will be requested to complete an income and assessment form which will be assessed to national standards by the Debt Management Team and generate a final suggested repayment plan.
- 22.4 If an employee has received an overpayment and has left employment with the County Council it is the responsibility of the Head of Service in partnership with BTLS Payroll Services to raise an invoice for the overpaid amount. This debt will then be pursued in line with the processes detailed in this Policy.

## **23. Performance Monitoring and Reporting**

- 23.1 Oracle Accounts Receivable will be the single source of data relied upon for monitoring the overall debt position of the County Council.
- 23.2 The Debt Manager (Exchequer Services) will be the authoritative source of any information produced for Management Team for the purposes of reporting on the debt position of the County Council as a whole.
- 23.3 Collection trends will be monitored in order to identify the strategies which maximise the income collected across the different types of debt faced by the County Council and to ensure that the finite resources the County Council has available for debt collection are being utilised to optimum effect.

## **24. Responsibilities for Effective Income and Debt Management**

- 24.1 The key responsibilities recognised under this policy may be summarised as follows:

### Heads of Service

As the senior managers within departments earning income from chargeable services, Heads of Service are directly responsible for all those aspects of effective income and debt management which occur prior to service delivery and until invoices have concluded the initial reminder phase. From this point they will ensure support and co-operation for any debt collection and legal action which takes place.

Heads of Services will ensure that the management and monitoring of income receives the same level of attention and rigour as the control of expenditure and that the standards and procedures set out in this policy are complied with in full.

In their capacity as Budget Holders, Heads of Service will regularly review the debt position of their service(s) in order to:

- Understand the age profile and status of invoices raised but not yet paid.
- Take appropriate actions to resolve issues and prevent debt escalation.
- Plan for the costs associated with debt collection and bad debt.
- Recognise and write off bad debts in an appropriate and timely way.

Heads of Service will ensure the staff under their direct management adopt the principles of good practice set out within this policy and provide practical support to other staff and departments (Debt Management, Customer Services, Exchequer Services and Legal Services) engaged in collecting sums due to the County Council.

#### Debt Manager (Exchequer Services)

The Debt Manager will oversee an efficient and resource conscious collection process which maximises the functionality available from Oracle Financials and other IT for:

- Automating collection actions.
- Differentiating between debt types to target collection action specifically.
- Producing regular, accurate and insightful analysis for reporting purposes and in order to plan collection priorities.

The Debt Manager will regularly review the debt collection strategies in use and the rate of collection being achieved from different approaches in order to utilise those which maximise the overall rate of income recovery.

The Debt Manager will oversee and manage the County Council's contract with an external Debt Collection Agency.

Decisions which fall to be made at the discretion of or with the authorisation of the Debt Manager will follow a standard approach which ensures they are timely, objective, transparent, and fair to both the department providing the service and the party owing arrears to the County Council.

#### Legal Services

Legal Services will manage all legal action undertaken on behalf of Lancashire County Council.

Actions will be taken in a timely, consistent and efficient way designed to maximise early recovery and achieve a high rate of success.

Legal Services staff will work directly with service departments to establish the specific circumstances of each case referred for legal action. They will identify any

circumstances or legislation/regulations influencing the cost or likelihood of success from legal action and will give advice to this effect before legal action proceeds.

Where the County Council is entitled to claim interest on the late payment of any debt referred for legal action, interest will be calculated and added to the debt for which court judgement is sought as allowed for under relevant legislation and guidance.

Monitoring information will be produced on the incidence, cost and success rate of cases referred for legal action for inclusion within performance reports prepared for Management Team by the Debt Manager. Monitoring information will inform a continuing review of the efficacy of legal action compared with other collection options and consideration of the case value threshold being applied for taking legal action.



## **Analysis of Outstanding Debt Position**

### **Introduction**

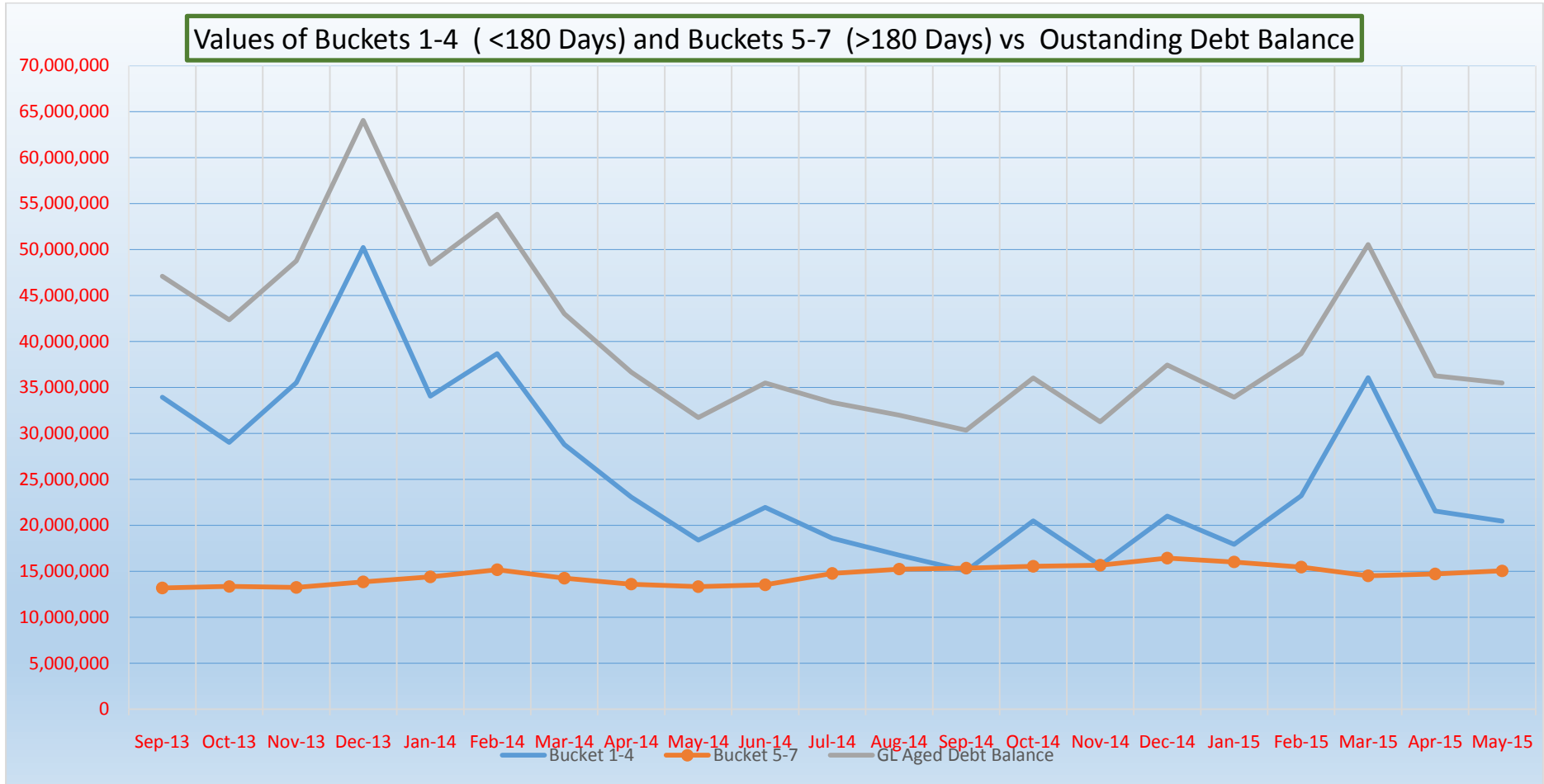
A key performance indicator that has been used over the past two years in relation to Debt Management has been the "Level of Outstanding Debt owed to the County Council". This is a performance indicator that can be a little misleading at times, as there are seasonal variations as debtors are raised within the financial year. Appendix 'B' therefore contains additional analysis to demonstrate the underlying trends and themes of the County Council's debt stock. It is proposed that the performance indicators and graphs shown in this Appendix are in future presented in conjunction with the current key performance indicator to better indicate the performance levels of the County Council in relation to Debt Recovery.

The Appendix is broken down into 3 key sections:

- a) Outstanding Debt Balance Analysis
- b) Outstanding Debts over 180 days (6 Months)
- c) Bad Debt Provision Analysis

### a) Outstanding Debt Balance Analysis

#### Graph 1





Graph 1 demonstrates the trends and seasonal nature of all debtors held by the County Council. When classifying debts into the groups of outstanding time periods these are called "buckets" and are shown in the table below:

<b>Debt "Bucket" Classification</b>	<b>Outstanding Debt Time Period</b>
Bucket 1	1 – 30 days
Bucket 2	31 – 60 days
Bucket 3	61 – 90 days
Bucket 4	91 – 180 days
Bucket 5	181 – 365 days
Bucket 6	366 – 730 days
Bucket 7	2 years +

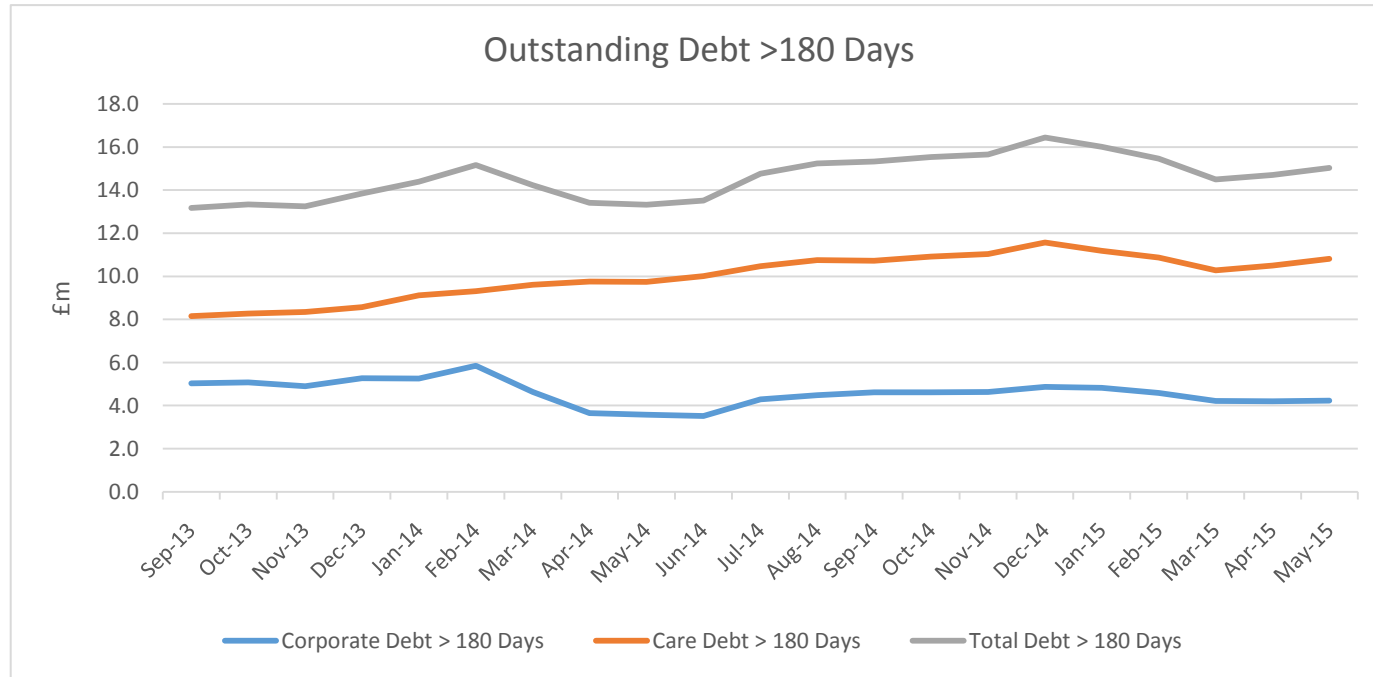
**The graph shows that the value of outstanding debts directly correlates with the level of outstanding debt that is within "buckets" 1 – 4 (short term outstanding debt).** This therefore means that although the level of outstanding debt may significantly spike in particular months the majority of this debt is within the early outstanding time periods and therefore the probability of collections is high. The majority of debts owed to the County Council are paid within the first 6 months.

The graph also indicates that the level of outstanding debt over 6 months old has remained relatively constant over the last 18 months. This is the area that will be the focus of the Debt Collection Team over coming months, as there is a critical need to avoid debts increasing over 6 months, as the probability of achieving collection is much lower once it is outstanding for this length of time.

Prior to the implementation of the new Accounts Receivable IT system, a significant cleanse of the debt stock over 6 months old has taken place as detailed in the main body of the report (this is shown in the graph with a slight downward trend in the debt stock over 6 months old over recent months). Once the new IT system is fully implemented this should mean that the Debt Collection Team can allocate more resource to focus on those debts that are over 6 months old (or heading towards 6 months old) and target recovery of these debts, rather than being concerned with the shorter term debts which have a much higher probability of being paid. Each month there are debtors of an average value of £570k who move into the "over 180 days" category, however on average this "bucket" has only increased by £57k each month due to the recovery of older debts by the Debt Collection Teams and the writing off of debts that were uneconomical to pursue.

**b) Outstanding Debts over 180 days (6 Months)**

**Graph 2**



Graph 2 provides details of the types of debt that are currently outstanding over 180 days and the trends over the last 18 months for this older debt.

The graph above clearly demonstrates that there is a link between the trends in overall debt outstanding over 180 days and care debts that are outstanding over 180 days. The corporate debts that are over 180 days old have remained fairly constant over the past 18 months and do not appear to reflect the trend in the overall outstanding debt over 180 days.

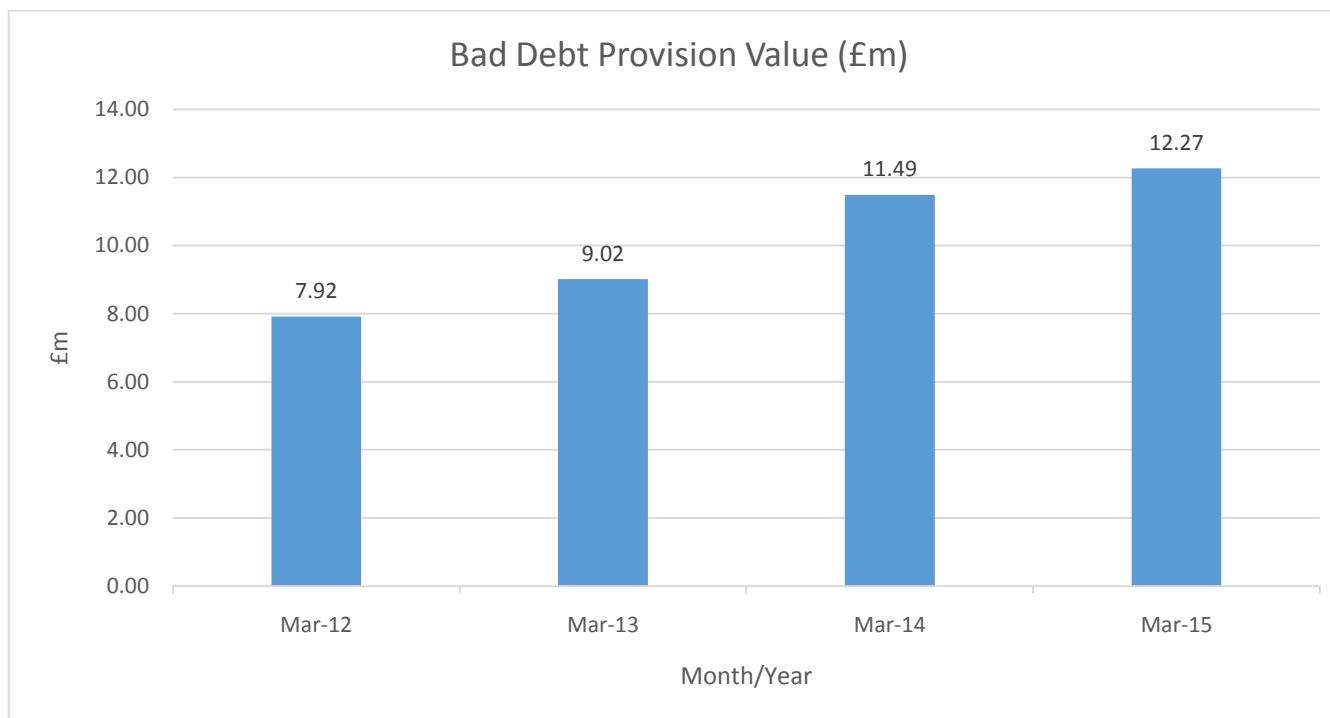
As stated above, each month there are care debtors of an average value of £570k who move into the "over 180 days" category, however on average this "bucket" has only increased by £57k each month over the past 12 months due to the recovery of older debts by the Debt Collection Teams and the writing off of debts that were uneconomical to pursue. The aim of the Debt Collection Team will be to reduce the amount of care debts moving into the "over 180 days" category.

The increasing care debts are a key focus for the County Council over the next 6 months, as following the implementation of the Care Act it is anticipated that the volume of service users and carers eligible for care will increase which will result in more care bills being raised. Once the new IT system is implemented this should enable debt collectors to focus on these older unrecovered debts rather than shorter term debts with a much higher probability of recovery.

A newly established Care Debt Board which contains members of Financial Resources, Legal Services and Operations and Delivery have held their first meeting to review the Top 100 Outstanding Care Debts and discuss a strategy for each individual debt to achieve recovery of significant outstanding amounts.

### c) Bad Debt Provision Analysis

Graph 3



The consistent approach and utilisation of the Bad Debt Provision that was implemented in 2013/14 has resulted in increasing Budget Holder awareness of outstanding "older" debts and provides a transparent, prudent but realistic provision that reflects the outstanding "bad debt" (outstanding over 6 months) position of the County Council.

The Bad Debt Provision is based on the probability of collection once a debt is outstanding for over 6 months. In order to create the provision a charge is made to the service budget that has raised the debtor that has not been paid.

Although the provision has increased over the past 2 years this does demonstrate that the County Council has prudently set aside funds to cover those debts that may result in being written off when it becomes uneconomical to pursue the debts any further.

For a debt to be written off this must be the last resort for the County Council and we must have pursued all avenues available to try and recover each individual debt. However, there are occasions where the chance of recovery is very low and it is uneconomical to pursue a debt any further, this would result in the debt being written off following the necessary approval process.



## Cabinet Committee on Performance Improvement

Meeting to be held on 28<sup>th</sup> July 2015

### Report of the Chief Executive

**Part I**

Electoral Division affected:  
None

### Corporate Human Resources – Health Check Report

(Appendix 'A' refers)

Contact for further information:

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[Katie.Dunne@lancashire.gov.uk](mailto:Katie.Dunne@lancashire.gov.uk)

#### Executive Summary

This Corporate Human Resources 'Health Check' report provides information across the authority against key metrics regarding workforce information for both the 4<sup>th</sup> quarter in year 2014/15 and the final year outturn for 2014/15.

The Corporate Human Resources key metrics regularly monitor and report against workforce data including: sickness absence; the numbers of starters and leavers; reasons for leaving; redeployment activity; vacancy numbers and recruitment costs.

The data highlights that in the 4<sup>th</sup> quarter (Q4) of 2014/15:

- The number of FTE days lost per employee due to sickness absence was 2.51 against a Q4 target of 2.43 days.
- The number of starters increased by 1.45% in Q4 of 2014/15 compared with Q4 of 2013/14.
- The number of leavers was down by 29% in Q4 of 2014/15 compared with Q4 of 2013/14.
- Turnover increased from 9% in Q3 to 28% in Q4 of 2014/15.
- The number of recruitment adverts remained the same in Q4 of 2014/15 compared with 2013/14.

The data highlights that in the full year 2014/15:

- The number of FTE days lost per employee due to sickness absence was 8.41 against a target of 8 days, a variance of +5.1%.
- Employee turnover was 17%.
- The number of starters in the full year was down 17% from 2013/14.

- The number of leavers in the full year was down 27% from 2013/14.
- Voluntary redundancies accounted for 24% of all leavers. This is down 19% from 2013/14.
- Recruitment advertising spend continues to reduce year on year and is down by £17.4k in 2014/15.
- The Employment and Support Team met the target to deliver 1000 new starts onto employment programmes for 2014/15.

### **Recommendation**

The Cabinet Committee are asked to comment on, and note, the content of the report and Appendix 'A'.

### **Background and Advice**

This report provides a summary of key human resource activity within the County Council for each of the four quarters of 2014/15, and for the same period in 2013/14 for comparative purposes, and the full year outturn information for 2014/15. The detailed information is shown at Appendix 'A'.

The sickness absence outturn figure for Q4 2014/15 was 2.51 days lost per employee against a target of 2.43 days. The days lost due to sickness absence for the full year 2014/15 was 8.41 days compared with a target of 8 days, which is +5.1% against the target.

Long term sickness absence accounted for more than 50% of total absence and the top reason for absence was mental health.

The data shows that the number of new starters in Q4 in 2014/15 has increased by 1.45% to 207 compared with 204 in Q4 of 2013/14. It would be expected that the number of leavers would increase, given the Council Transformation but, in fact, the number of leavers in Q4 in 2014/15 has decreased by 28.69% to 527 compared with 739 in Q4 of 2013/14. The overall staff turnover rate was 17% in 2014/15.

The number of leavers due to voluntary redundancy in 2014/15 has reduced by 19% (349) compared with 2013/14 (429). This may be linked to the change in the VR multiplier rate from 1.6 in 2013/14 to 1.4 in 2014/15.

The data provides combined detail on both the number of recruitment adverts placed both internally and externally, and the number of positions advertised, as some adverts include multiple positions. The number of adverts has remained exactly the same for Q4 of 2014/15 compared with the fourth quarter of 2013/14, although the number of positions has decreased by 10.80%.

Requests for external recruitment advertising are still being closely scrutinised.

Recruitment advertising spend has decreased by £17.4k for 2014/15 compared to 2013/14.



The Employment and Support Team will have delivered 1,021 new starts onto employment programmes in 2014/15, against a target of 1,000 for the full year.

### **Consultations**

N/A.

### **Implications:**

This item has the following implications, as indicated:

### **Risk management**

No significant risks have been identified in relation to the proposals contained within this report.

### **List of Background Papers**

Paper	Date	Contact/Tel
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N/A.

Reason for inclusion in Part II, if appropriate

N/A.



## CABINET COMMITTEE FOR PERFORMANCE IMPROVEMENT

28 July 2015

### HUMAN RESOURCE HEALTH CHECK REPORT

#### 1. Sickness Absence

Quarter 4 - LCC Absence rate per FTE 2014/15	
Total number of days lost	2.51
Number of days lost per FTE- Short term	1.05
Number of days lost per FTE- Long term	1.46
Number of employees absent 6 –12 months	149
Number of employees absent over 12 months	50

Quarter 4 – Directorate Absence rate per FTE 2014/15		
Directorate	Days per FTE 2014/15	Target
ASH&W	3.42	3.18
County Treasurers	1.45	2.37
CYP Directorate	2.70	2.14
CYP Schools	2.27	2.27
Environment	2.13	1.96
OCE	2.08	2.92
LCCG	3.68	3.16
<b>LCC Overall</b>	<b>2.51</b>	<b>2.43</b>

In **Quarter 4** in 2014/15 the top 3 reasons for absence were:

- Mental Health – 25%
- Respiratory – 12.5%
- Musculoskeletal – 11.8%

2014/15 Year End - LCC Absence rate per FTE	
Total number of days lost	8.41
Number of days lost per FTE- Short term	3.33
Number of days lost per FTE- Long term	5.08
Number of employees absent 6 –12 months	341
Number of employees absent over 12 months	86

2014/15 Year End - LCC Absence rate per FTE				
Directorate	2013/14 Year End FTE Days Lost	2014/15 Year End FTE Days Lost	2014/15 Target	Variance against target
ASH&W	11.08	12.40	11.04	+12.31%
County Treasurer	7.61	7.57	7.40	+2.29%
CYP Directorate	8.89	10.34	8.60	+20.23%
CYP Schools	6.95	7.10	6.90	+3.00%
Environment	7.50	7.58	7.30	+3.83%
OCE	10.51	7.80	10.00	-22.00%
LCCG	11.78	12.08	11.51	+4.95%
<b>LCC Overall</b>	<b>8.12</b>	<b>8.41</b>	<b>8.00</b>	<b>+5.1%</b>

In 2014/15 the top 3 reasons for absence were:

- Mental Health – 25%
- Musculoskeletal – 12.7%
- Medical – 12.6%

## 2. Starters/Leavers

### Starters

	2014/15					2012/13	2013/14
	Q1	Q2	Q3	Q4	Total		
ASHW	21	42	33	31	<b>127</b>	208	283
County Treasurer	8	7	8	5	<b>28</b>	12	20
CYP	35	58	73	47	<b>213</b>	282	302
Environment	26	36	13	7	<b>82</b>	116	38
LCCG	105	109	87	76	<b>377</b>	444	309
OCE	18	28	41	35	<b>122</b>	34	80
BTLS	10	7	3	6	<b>26</b>	283	148
<b>TOTAL</b>	<b>223</b>	<b>287</b>	<b>258</b>	<b>207</b>	<b>975</b>	<b>1379</b>	<b>1180</b>

### Leavers

	2014/15					2012/13	2013/14
	Q1	Q2	Q3	Q4	Total		
ASHW	59	85	40	127	<b>311</b>	296	430
County Treasurer	4	2	5	14	<b>25</b>	15	29
CYP	65	86	47	119	<b>317</b>	271	464
Environment	29	32	13	45	<b>119</b>	125	185
LCCG	107	142	59	160	<b>468</b>	536	598
OCE	27	47	17	50	<b>141</b>	24	104
BTLS	5	8	6	12	<b>31</b>	141	120
<b>TOTAL</b>	<b>296</b>	<b>402</b>	<b>187</b>	<b>527</b>	<b>1412</b>	<b>1408</b>	<b>1930</b>

### 3. Reasons for Leaving

[Note: 'Dismissal' can be for performance, conduct or related to poor attendance; 'Retirement – Other' can be normal retirement or retirement aged 60 and over; 'Other' can include mutually agreed termination and TUPE transfers out of LCC]

Q1	Deceased	Dismissal	End of FTC	Redundancy - Compulsory	Redundancy - Voluntary	Ill Health Retirement	Retirement - other	Resignation - Voluntary	Other	TOTAL
<b>Reasons for Leaving - 2014/15 - Q1</b>										
ASHW	2	2	2	0	7	3	11	27	5	59
County Treasurer	0	1	0	0	0	0	0	2	1	4
CYP	0	2	4	0	8	2	4	38	7	65
Environment	0	1	0	0	4	0	7	14	3	29
LCCG	2	1	0	0	4	1	15	71	13	107
OCE	0	0	3	0	1	0	0	18	5	27
BTLS	0	1	1	0	1	0	0	2	0	5
<b>TOTAL</b>	<b>4</b>	<b>8</b>	<b>10</b>	<b>0</b>	<b>25</b>	<b>6</b>	<b>37</b>	<b>172</b>	<b>34</b>	<b>296</b>

Q2	Deceased	Dismissal	End of FTC	Redundancy - Compulsory	Redundancy - Voluntary	Ill Health Retirement	Retirement - other	Resignation - Voluntary	Other	TOTAL
<b>Reasons for Leaving - 2014/15 – Q2</b>										
ASHW	1	2	5	0	23	2	10	36	6	85
County Treasurer	0	0	0	0	0	0	0	2	0	2
CYP	0	0	5	0	10	0	11	45	15	86
Environment	1	1	3	0	7	0	4	15	1	32
LCCG	2	2	0	0	3	3	18	91	23	142
OCE	0	0	16	0	8	1	0	17	5	47
BTLS	1	0	0	0	2	0	1	3	1	8
<b>TOTAL</b>	<b>5</b>	<b>5</b>	<b>29</b>	<b>0</b>	<b>53</b>	<b>6</b>	<b>44</b>	<b>209</b>	<b>51</b>	<b>402</b>

Q3	Deceased	Dismissal	End of FTC	Redundancy - Compulsory	Redundancy - Voluntary	Ill Health Retirement	Retirement - other	Resignation - Voluntary	Other	TOTAL
Reasons for Leaving - 2014/15 – Q3										
ASHW	2	0	0	0	12	1	2	21	2	40
County Treasurer	0	1	0	0	1	0	0	2	1	5
CYP	1	2	1	0	16	0	8	18	1	47
Environment	0	1	2	0	4	0	0	5	1	13
LCCG	1	2	0	0	4	0	7	42	3	59
OCE	0	0	1	0	5	0	0	9	2	17
BTLS	0	0	1	0	1	0	2	2	0	6
<b>TOTAL</b>	<b>4</b>	<b>6</b>	<b>5</b>	<b>0</b>	<b>43</b>	<b>1</b>	<b>19</b>	<b>99</b>	<b>10</b>	<b>187</b>

Q4	Deceased	Dismissal	End of FTC	Redundancy - Compulsory	Redundancy - Voluntary	Ill Health Retirement	Retirement - other	Resignation - Voluntary	Other	TOTAL
Reasons for Leaving - 2014/15 – Q4										
ASHW	1	1	4	0	67	1	14	32	7	127
County Treasurer	0	0	0	0	11	0	1	2	0	14
CYP	1	3	9	0	50	0	6	44	6	119
Environment	1	0	2	0	15	0	6	20	1	45
LCCG	3	4	1	0	60	1	9	67	15	160
OCE	0	1	2	0	23	0	1	19	4	50
BTLS	0	0	1	0	2	0	0	7	2	12
<b>TOTAL</b>	<b>6</b>	<b>9</b>	<b>19</b>	<b>0</b>	<b>228</b>	<b>2</b>	<b>37</b>	<b>191</b>	<b>35</b>	<b>527</b>

2014/15	Deceased	Dismissal	End of FTC	Redundancy - Compulsory	Redundancy - Voluntary	Ill Health Retirement	Retirement - other	Resignation - Voluntary	Other	TOTAL
Reasons for Leaving - 2014/15 Full Year										
ASHW	6	5	11	0	109	7	37	116	20	311
County Treasurer	0	2	0	0	12	0	1	8	2	25
CYP	2	7	19	0	84	2	29	145	29	317
Environment	2	3	7	0	30	0	17	54	6	119
LCCG	8	9	1	0	71	5	49	271	54	468
OCE	0	1	22	0	37	1	1	63	16	141
BTLS	1	1	3	0	6	0	3	14	3	31
<b>TOTAL</b>	<b>19</b>	<b>28</b>	<b>63</b>	<b>0</b>	<b>349</b>	<b>15</b>	<b>137</b>	<b>671</b>	<b>130</b>	<b>1412</b>

<b>2013/14</b>	Deceased	Dismissal	End of FTC	Redundancy - Compulsory	Redundancy - Voluntary	Ill Health Retirement	Retirement - other	Resignation - Voluntary	Other	TOTAL
	<b>Reasons for Leaving - 2013/14 Full Year</b>									
ASHW	2	18	10	1	122	9	53	135	80	430
County Treasurer	0	2	2	0	16	0	0	8	1	29
CYP	5	13	35	0	114	6	47	170	74	464
Environment	4	9	1	0	67	2	31	65	6	185
LCCG	4	24	8	3	62	16	60	375	46	598
OCE	1	5	8	0	40	0	2	34	13	103
BTLS	0	8	18	0	8	0	4	70	13	121
<b>TOTAL</b>	<b>16</b>	<b>79</b>	<b>82</b>	<b>4</b>	<b>429</b>	<b>33</b>	<b>197</b>	<b>857</b>	<b>233</b>	<b>1930</b>

#### 4. Number of employees on the Redeployment List

	2013/14	2014/15				
	Total	Q1	Q2	Q3	Q4	Total
ASHW	27	7	12	7	5	31
County Treasurer	4	1	1	1	2	5
CYP	52	5	5	20	8	38
Environment	32	18	7	3	1	29
LCCG	21	0	7	30	0	37
OCE	10	9	1	0	4	14
BTLS	26	1	1	1	2	5
<b>TOTAL</b>	<b>172</b>	<b>41</b>	<b>34</b>	<b>62</b>	<b>22</b>	<b>159</b>

#### 5. Average time on Redeployment List (in weeks)

Total 2013/14	Q1	Q2	Q3	Q4	Total 2014/15
9.6 weeks	6.83	8.9	4.72	12.32	<b>6.83</b>

#### 6. Number of assignments from Redeployment List

	2013/14	2014/15				
	Total	Q1	Q2	Q3	Q4	Total
<b>TOTAL</b>	<b>67</b>	<b>15</b>	<b>13</b>	<b>36</b>	<b>26</b>	<b>90</b>

## 6a. Reasons for removal from Redeployment List

2014/15	Q1	Q2	Q3	Q4	Total
Alternative assignment found - LCC	6	13	31	26	76
End of Fixed term contract - left LCC	4	1	2	1	8
Extended in post	10	0	5	1	16
Resigned	3	2	0	1	6
VR	1	0	5	3	9
<b>Total</b>	<b>24</b>	<b>16</b>	<b>43</b>	<b>32</b>	<b>115</b>

## 7. Vacancies (number of advertisements)

[Note: This includes the number of vacancies advertised, both internally and externally but does not contain schools' based posts].

	2013/14	2014/15				
	Total	Q1	Q2	Q3	Q4	Total
ASHW	333	103	98	124	85	410
County Treasurer	4	3	2	3	6	14
CYP	281	69	58	53	55	235
Environment	61	33	18	23	32	106
LCCG	901	392	300	405	241	1338
OCE	20	21	53	12	15	101
BTLS	187	20	10	23	19	72
<b>TOTAL</b>	<b>1787</b>	<b>641</b>	<b>539</b>	<b>643</b>	<b>453</b>	<b>2276</b>

## 8. Vacancies (number of positions advertised)

[Note: This table shows the number of posts advertised within the adverts detailed in table 6. E.g. one job advert may advertise multiple posts].

	2013/14	2014/15				
	Total	Q1	Q2	Q3	Q4	Total
ASHW	1226	367	308	426	284	1385
County Treasurer	8	5	2	8	7	22
CYP	546	116	88	136	81	421
Environment	98	66	33	33	82	214
LCCG	1579	661	552	701	504	2418
OCE	67	99	90	69	30	288
BTLS	322	27	14	23	20	84
Other	2	0	0	0	0	0
<b>TOTAL</b>	<b>3848</b>	<b>1341</b>	<b>1087</b>	<b>1396</b>	<b>1008</b>	<b>4832</b>



## 9. Recruitment Advertising Costs

Directorate	Costs (£)				
	2014/15 Q1	2014/15 Q2	2014/15 Q3	2014/15 Q4	Total
ASHW	£6,337	£3,628	£1,277	£6,848	£18,089
County Treasurer	£0.00	£0.00	£0.00	£0.00	£0.00
CYP	£2,886	£0.00	£2,763	£4,823	£10,471
Environment	£1,550	£5,317	£6,553	£12,032	£25,452
LCCG	£9,240	£9,795	£8,647	£12,381	£40,064
OCE	£2,119	£1,582	£0.00	£0.00	£3,701
BTLS	£3,313	£0.00	£0.00	£0.00	£3,313
Schools	£64,682	£18,417	£26,747	£105,084	£214,929
<b>TOTAL</b>	<b>£90,127</b>	<b>£38,738</b>	<b>£45,987</b>	<b>£141,167</b>	<b>£316,019</b>
<i>Total for 2013/2014</i>	<i>£333,491</i>				
<i>Total for 2012/2013</i>	<i>£338,736</i>				
<i>Total for 2011/2012</i>	<i>£367,273</i>				
<i>Total for 2010/2011</i>	<i>£730,415</i>				

## 10. New Starts onto all Employment Programmes

Employment Programmes	March 2013	March 2014	2012/13	2013/14	2014/15
<b>Apprenticeship Suite</b>	4	37	87	396	110
<b>Future Horizons Suite</b>	5	12	140	177	220
<b>WorkStart Suite</b>	22	34	307	410	555
<b>Graduates**</b>	0	0	12	0	0
<b>Work Experience</b>	8	4	96	113	134
<b>Duke of Edinburgh***</b>	0	0	0	53	0
<b>Total</b>	<b>39</b>	<b>87</b>	<b>642</b>	<b>1149</b>	<b>1019</b>

- The Graduate intake is now embedded into the Professional Apprentices and Trainee Suite and therefore with effect from 2015/2016 a separate heading of Professional Apprentices and Trainees will be included in these reporting statistics
- The provision of access for LCC employees to the Duke of Edinburgh Award Programme has now been withdrawn by the County Council and therefore no more new starts will be reported
- Programme delivery is on track to achieve 2014/15 targets

### 11. Workforce Planning New Placement Starts Per Quarter (Excluding Duke of Edinburgh) 2014/15

Scheme	Quarter 1	Quarter 2	Quarter 3	Quarter 4
Apprenticeship Suite	11	51	31	17
Future Horizons Suite	72	41	73	34
WorkStart Suite	118	116	167	154
Graduates	0	0	0	0
Work Experience	18	44	9	63
<b>Total</b>	<b>219</b>	<b>252</b>	<b>280</b>	<b>268</b>
<b>Grand Total</b>	<b>1019</b>			

### 12. Workforce Planning New Placement Starts within the County Council and other sectors 2014/15

Scheme	LCC		Other Public Sector		Private Sector	
	16-24	25+	16-24	25+	16-24	25+
Apprenticeship Suite	76	16	2	0	16	0
Future Horizons Suite	88	0	3	0	129	0
WorkStart Suite	323	31	33	17	147	4
Graduates	0	0	0	0	0	0
Work Experience	129	4	1	0	0	0
<b>Total</b>	<b>616</b>	<b>51</b>	<b>39</b>	<b>17</b>	<b>292</b>	<b>4</b>
<b>Grand Total</b>	<b>1019</b>					

### 13. Ex Service Personnel Mentoring in Schools – 2014/15

Client Group	Current Mentors	Year to Date	Current Caseload	Mentoring Sessions delivered	Mentoring Sessions delivered to Date	Other Interventions delivered	Other Interventions delivered to Date
<b>Quarter 1</b>							
Mentors	14	17	95	1227	5325	252	1606
Young People	0	0	0				
<b>Quarter 2</b>							
Mentors	9	26	13	226	1493	51	303
Young People	80	175	80				
<b>Quarter 3</b>							
Mentors	0	26	13	931	2424	138	441
Young People	189	364	237				
<b>Quarter 4</b>							
Mentors	0	26	11	1331	3755	240	681
Young People	118	482	273				

Programme delivery is on track to achieve 2014/15 targets

