

Lancashire County Council

Cabinet

Thursday, 3rd October, 2019 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 5 September 2019 (Pages 1 - 8)

Matters for Decision:

The Leader of the County Council - County Councillor Geoff Driver CBE

4. Request Approval to Commence Procurement Exercises (Pages 9 - 14)

The Deputy Leader of the County Council and Cabinet Member for Highways and Transport - County Councillor Keith Iddon

5. Local Highway Maintenance Challenge Fund and Local Pinch Point Fund (Pages 15 - 20)

The Cabinet Member for Community and Cultural Services - County Councillor Peter Buckley

6. Digital First Strategy (Pages 21 - 32)

The Cabinet Member for Adult Services - County Councillor Graham Gooch

7. Cross-Border Placements - Implementation of the Care Act 2014 (Approval of Revised Adult Social Care Policies and Procedures) (Pages 33 - 52)

Matters for Information:

8. Urgent Decisions taken by the Leader of the County Council and the relevant Cabinet Member(s)

No urgent decisions have been taken since the last meeting of Cabinet.

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 Chair 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 Member's intention to raise a matter under this heading.

10. Date of Next Meeting

The next meeting of Cabinet will be held on Thursday 7 November 2019 at 2.00 pm at County Hall, Preston.

11. Notice of Intention to Conduct Business in Private

No representations have been received.

Click [here](#) to see the published Notice of Intention to Conduct Business in Private.

12. Exclusion of Press and Public

The Cabinet is asked to consider whether, under Section 100A(4) of the Local Government Act 1972, it considers that the public should be excluded from the meeting during consideration of the following items of business on the grounds that there would be a likely disclosure of exempt information as defined in the appropriate paragraph of Part I of Schedule 12A to the Local Government Act 1972 as indicated against the heading to the item.

Part II (Not Open to Press and Public)

The Leader of the County Council - County Councillor Geoff Driver CBE

13. City Deal Review

(To Follow)

Angie Ridgwell
Chief Executive and Director of
Resources

County Hall
Preston

Lancashire County Council

Cabinet

Minutes of the Meeting held on Thursday, 5th September, 2019 at 2.00 pm in Cabinet Room 'B' - The Diamond Jubilee Room, County Hall, Preston

Present:

County Councillor Geoff Driver CBE Leader of the Council
(in the Chair)

Cabinet Members

County Councillor Keith Iddon
County Councillor Albert Atkinson
County Councillor Phillippa Williamson
County Councillor Peter Buckley
County Councillor Graham Gooch
County Councillor Shaun Turner

County Councillors Azhar Ali and John Fillis were also in attendance under the provisions of Standing Order No. C14(2).

1. Apologies for Absence

Apologies were received from County Councillor Michael Green.

2. Disclosure of Pecuniary and Non-Pecuniary Interests

There were no interests declared.

5. Minutes of the Meeting held on 8 August 2019

Resolved: That the minutes of the meeting held on 8 August 2019 be agreed as a correct record and signed by the Chair.

It was agreed to take Item 7 – The Outcomes of the Consultation on County Council Owned Traveller Sites as the next agenda item.

4. The Outcomes of the Consultation on County Council Owned Traveller Sites

Cabinet received a report on the outcome of a consultation on proposals to declare the county council's three traveller sites surplus to the County Council's needs.

In considering the report, Cabinet noted the results of the public consultation, and the equality analysis. It was stressed that, in taking the proposal forward, Cabinet would seek to engage fully with existing residents and the relevant local authorities. It was also

emphasised that the level of capital receipt from the sales of the sites would not be the deciding factor in future decisions.

Resolved: That

- i. the findings from the public consultation and the findings and analysis contained in the Equality Impact Assessment be noted
- ii. the Traveller sites be declared surplus to the County Council's needs.
- iii. Existing residents and the relevant local authorities would be fully engaged in the process of disposal.

5. Money Matters 2019/20 Position - Quarter 1

Cabinet received an update on the county council's 2019/20 revenue and capital financial position as at the end of June 2019 and an updated Medium Term Financial Strategy (MTFS) covering the period 2020/21 to 2022/23. It was noted that the government's Spending Review had been announced since the publication of the report, the outcomes of which were currently being considered and would be reflected in future reports as necessary.

Resolved: That

- i. the current forecast underspend of £0.506m on the revenue budget in 2019/20 be noted.
- ii. the increased funding gap of £64.755m covering the period 2020/21 to 2022/23 as set out in the revised financial outlook forecast for the Council be noted.
- iii. the budget adjustments for 2020/21, and following years' changes, included in the revised MTFS, be approved.
- iv. the contents of the county council's reserves position be noted.
- v. a reprofiled 2019/20 capital delivery programme of £143.090m as presented be approved.

6. Procurement Report - Request Approval to Commence Procurement Exercises

Cabinet considered a report seeking approval to commence the following procurement exercises in accordance with the county council's procurement rules:

- i. Provision of a Framework Agreement for the lease of a Waste Transport Fleet for Lancashire Renewables Limited and
- ii. Surface carriageway road planing – Framework Agreement.

Resolved: That the commencement of procurement exercises for the following areas be approved:

- i. Provision of a Framework Agreement for the lease of a Waste Transport Fleet for Lancashire Renewables Limited and
- ii. Surface carriageway road planing – Framework Agreement.

7. Organisational Development – Request to Commence Procurement Exercise

Cabinet received a report setting out a proposal in line with the county council's procurement rules to commence a procurement exercise to appoint a partner to work with

the council on organisational development with a focus on redesigning services around best practice and building/maintaining support for the most vulnerable in Lancashire's communities.

Resolved: That the commencement of a procurement exercise to appoint a partner to work in partnership with the council to achieve the necessary and effective change within the organisation in a way that will be sustainable moving forward be approved.

8. Works to Operational Premises

Cabinet received a report outlining the capital works required at three operational premises, in order to deliver remedial and repair works to address condition, and alteration works to address suitability. The report also set out a proposal to declare the former Rosegrove Library, Burnley surplus to the county council's requirements.

Resolved: That:

- i. Capital expenditure to meet the county council's negotiated share of the costs to replace the boiler in Lancaster Central Library Market Square, Lancaster, LA1 1HY, be approved
- ii. Capital expenditure to replace the auto transfer switch for the data suite in County Hall, Preston be approved
- iii. Capital expenditure to address health and safety and condition issues at Cuerden Mill Highways Depot, Holme Road, Bamber Bridge, Preston, PR5 6BS be approved
- iv. the funding be allocated from the unallocated balance of the building condition programme within the corporate block
- v. the former Rosegrove Library, Lowerhouse Lane, Burnley, BB12 6HU be declared surplus to the county council's requirements.

9. Lancashire County Council (Akeman Close, Ermine Place, Foss Court, Hadrian Road, 'McDonalds' access road, Pilgrims Way, Ryknild Way and Watling Close, Morecambe, Lancaster City) (Prohibition of Right Turn, Prohibition of Driving and No Entry) Order 201*

Cabinet received a report setting out proposals to introduce Prohibition of Driving Except for access & No Right Turn, No Entry on the 'McDonalds' access road in Morecambe, as agreed by the Bay Gateway project team during their consultations and following local representations by the Divisional County Councillor.

It was confirmed that further work will be undertaken in relation to parking by HGVs in the area.

Resolved: That the proposals for Prohibition of Right Turn, Prohibition of Driving and No Entry on the 'McDonalds' access road in Morecambe as detailed within the report be approved.

10. Lancashire County Council (Parliament Street, Greyhound Bridge Road and Morecambe Road, Lancaster, Lancaster City) (Bus Lane) Experimental Order 2018

Cabinet received a report proposing that an experimental traffic regulation order to provide a bus priority measure on Greyhound Bridge Road be made permanent, subject to minor alterations.

Resolved: That the proposals for a bus priority measure on Greyhound Bridge, Lancaster, as set out in the report, be approved.

11. Lancashire County Council (Various Roads, Chorley, Fylde, Lancaster, Preston, Ribble Valley, South Ribble and West Lancs) (Revocations and Various Parking Restrictions November 2018 (No1)) Order 201*

Cabinet received a report setting out a proposal to make a Traffic Regulation Order (TRO) to address anomalies in parking restrictions and to clarify, simplify and tidy up a number of discrepancies that have been identified in the Preston and Ribble Valley districts, as well as to introduce new restrictions in the districts of Chorley, Fylde, Lancaster, Preston, South Ribble and West Lancashire to improve safety on the highway for all users and also provide some amenity parking

Resolved: That the making of a Traffic Regulation Order introducing the parking restrictions on the various lengths of road within the Chorley, Fylde, Lancaster, Preston, Ribble Valley, South Ribble and West Lancashire Districts as detailed within the report, be approved

12. Lancashire County Council (Various Roads, The Whole of Lancashire) (Permit Parking Order Amendment No 1) Order 201*

Cabinet received a report proposing the standardisation of the prices and types of parking permits across the county, following the centralisation of the Residential Permit Scheme administration into the highways service,

Resolved: That the proposals in relation to parking permits as detailed within the report be approved

13. Future Viability of Thomas Whitham Sixth Form

Cabinet considered a report seeking approval to undertake a formal consultation on the future viability of Thomas Whitham Sixth Form, Burnley.

Resolved: That

- i. the information in the report be noted.
- ii. the proposal that a stage 1 consultation be undertaken, starting in September 2019, to inform the viability review of Thomas Whitham Sixth Form, Burnley, be approved.

14. Mobile Library Service - Evaluation of Consultation Results

Cabinet received a report on the results of the consultation over the future of the mobile library service and proposing ten criteria to be applied when planning the future delivery of the service.

Resolved: That

- i. the use of the ten criteria detailed in the report when planning the future of the mobile library service be approved.
- ii. a further report be presented to Cabinet once public consultation has been conducted on the replanned routes based on the ten criteria

15. Strategy for Libraries, Museums, Culture and Archives 2019 - 2024

Cabinet considered a report presenting the new strategy for Libraries, Museums, Culture and Archives for 2019 – 2024.

Resolved: That Full Council be recommended to approve the strategy for Libraries, Museums, Culture and Archives 2019 - 2024.

16. Market Position Statement for Lancashire Consultation Document

Cabinet considered a report presenting a draft Market Position Statement for consultation, setting out the county council's intended ambition to work with providers and those who play a key role in providing care to Lancashire's adult population to shape and develop services that meet people's needs and wants, now and for the future.

In considering the document, an amendment to the text on page 14 was proposed. In relation to the figures on variation in life expectancy, it was agreed that the original text be replaced with "Range in years of life expectancy across the most to least deprived areas of Lancashire"

Resolved: That the Market Position Statement for Lancashire, as set out in the report and with the amendment set out above, be approved for consultation.

17. Urgent Decisions taken by the Leader of the County Council and the relevant Cabinet Member(s)

There were no urgent decisions taken.

18. Urgent Business

It was reported that there was an Item of Urgent Business on Veterans Mental Health funding - Wyre

18(a) Veterans Mental Health Funding - Wyre

It was agreed that this item be taken under urgent business as the funding was needed as a matter of urgency to ensure that the local veterans group to continue its ongoing activities.

Cabinet received a report is proposing that £5,000 is added to the Champion for Armed Forces Veterans budget as a one off funding, with the intention of providing support to a local armed forces veterans group in Wyre to support activity to improve veterans' health and wellbeing.

Resolved: That

- i. the proposal to increase the budget of the Champion for Armed Forces Veterans by a one-off addition of £5,000 with the intention of providing support to the local armed forces veteran's group in Wyre be approved
- ii. the Champion for Armed Forces Veterans provide a report on the activities and outcomes achieved by utilisation of this funding as part of his annual report to Cabinet in July 2020.

19. Date of Next Meeting

It was noted that the next meeting of Cabinet would be held at 2pm on Thursday 3 October at 2pm at County Hall, Preston.

20. Notice of Intention to Conduct Business in Private

Cabinet noted the Notice of Intention to Conduct Business in Private and that no representations had been received.

21. Exclusion of Press and Public

Resolved: That under Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the following items of business on the grounds that there would be a likely disclosure of exempt information as defined in the appropriate paragraph of Part I of Schedule 12A to the Local Government Act 1972 as indicated against the heading to the item.

23. Council Chamber Webcasting/Audio-Visual/Microphone Upgrade

(Not for Publication - Exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972. It is considered that in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information)

Cabinet considered a report on an upgrade to webcasting, audio-visual and microphone equipment in the council chamber.

Resolved: That the recommendations as set out in the report be approved

24. Samlesbury Aerospace Enterprise Zone - Procurement Strategy

(Not for Publication - Exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972. It is considered that in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information)

Cabinet considered a report on a proposed procurement strategy in connection with the Samlesbury Aerospace Enterprise Zone.

Resolved: That the recommendation as set out in the report be approved

Angie Ridgwell
Chief Executive and
Director of Resources

County Hall
Preston

Report to the Cabinet

Meeting to be held on Thursday, 3 October 2019

Report of the Head of Service - Procurement**Part I**

Electoral Division affected:
(All Divisions);

Request Approval to Commence Procurement Exercises

(Appendix 'A' refers)

Contact for further information:

Rachel Tanner, Tel: (01772) 534904, Head of Service - Procurement,
rachel.tanner@lancashire.gov.uk

Executive Summary

In line with the county council's procurement rules this report sets out a recommendation to approve the commencement of the following procurement exercises:

- (i) Provision of a Crisis Service in North Lancashire
- (ii) Operated and non-operated vehicles and plant hire - Dynamic Purchasing System.

This is deemed to be a Key Decision and the provisions of Standing Order C19 have been complied with.

Recommendation

Cabinet is asked to approve the commencement of the procurement exercises as set out in Appendix 'A'.

Background and Advice

Appendix 'A' sets out the detail of the individual procurement exercises and the basis upon which it is proposed to carry out the processes including:

- The description of the supplies/services being procured
- The procurement route proposed
- The estimated contract value
- The proposed basis for the evaluation of the tender submissions.

Where approval has been received from the Cabinet to undertake a tender process which is deemed to be a Key Decision, the subsequent award of the contract on the satisfactory completion of the tender exercise shall not be deemed a Key Decision and can be approved by the relevant head of service or director.

On conclusion of the procurement exercises, the award of the contracts will be made under the county council's scheme of delegation to heads of service and in accordance with the council's procurement rules.

Consultations

Relevant heads of service and key operational staff have been consulted in drawing up the proposals to undertake the procurement exercises included within this report.

Implications:

This item has the following implications, as indicated:

Financial

The estimated value of the contracts will be contained within the funding arrangements as set out in Appendix 'A'. If significant variations should result from this position a further report to Cabinet will be required.

List of Background Papers

Paper	Date	Contact/Tel
-------	------	-------------

None

Reason for inclusion in Part II, if appropriate

N/A

<p>Procurement Title Provision of a Crisis Service In North Lancashire</p>					
<p>Procurement Option OJEU – Open Tender</p>					
<p>New or Existing Provision Existing – the current contracts will expire on 31st March 2020.</p>					
<p>Estimated Annual Contract Value and Funding Arrangements Estimated to be up to £1,768,000 annually, subject to continued CCG/other external funding.</p> <p>This is made up of:</p> <table border="1"> <tr> <td>LCC Adult and Community Services Budget:</td> <td>£318,240</td> </tr> <tr> <td>CCG/other external funding:</td> <td>£0 – £1,449,760</td> </tr> </table> <p>Potential total contract value: £12,376,000.</p> <p>A range is given for the value as there will be flexibility for contracted hours to be varied in order to mitigate the impact of seasonal pressures or utilise varying funding provided by CCG's or other external funding sources.</p>		LCC Adult and Community Services Budget:	£318,240	CCG/other external funding:	£0 – £1,449,760
LCC Adult and Community Services Budget:	£318,240				
CCG/other external funding:	£0 – £1,449,760				
<p>Contract Duration Initial period of 2 years with an option to extend the contracts beyond the initial term, for any number of agreed periods, to a maximum of a further 5 years.</p>					
<p>Lotting There is no lotting proposed within the north area. There is a requirement to ensure referral pathways and management of the services remain focussed, responsive and cohesive. Fragmenting services further could risk undermining this.</p>					
<p>Evaluation</p> <table border="1"> <tr> <td>Quality Criteria 60%</td> <td>Financial Criteria 40%</td> </tr> </table> <p>Of which Social Value will form 10% of the quality criteria, the objective will be focused on promoting training and employment opportunities for the people of Lancashire.</p>		Quality Criteria 60%	Financial Criteria 40%		
Quality Criteria 60%	Financial Criteria 40%				
<p>Contract Detail Crisis Services are a domiciliary care service providing support and care for adults in their own homes when an acute situation occurs and who without additional intensive support would normally be admitted to hospital or residential care. The goal is to enable the Service User to remain in his or her own home during the period in which support is required and to return to their previous independent state where possible.</p> <p>The principal aims of the Crisis Service are to:</p> <p>i) Provide short-term personal care and practical support to enable Service Users to remain safe and secure in their own homes for as long as is practical and according to their wishes.</p>					

ii) To provide a Service, which is responsive, reliable and flexible to meet the needs of Service Users, as identified throughout the period of intervention.

The services will be available 24 hours per day, 365 days per year.

There will be flexibility for the contracted hours to be increased in order to mitigate the impact of seasonal pressures or utilise funding provided by CCG's or other external sources of funding.

Owing to the failure of the incumbent provider in north Lancashire to deliver the contract for crisis services it has been determined that the current service cannot be extended. Two providers, Guardian Homecare and Cherish UK, have agreed to provide the services on an interim basis until 31 March 2020.

The new contract is intended to commence 1 April 2020.

Procurement Title

Operated & Non-Operated Vehicles & Plant Hire – Dynamic Purchasing System

Procurement Option

OJEU – Dynamic Purchasing System (DPS)

New or Existing Provision

Existing – currently operating as a framework agreement with a contract end date 29 February 2020.

Estimated Total Contract Value

Approximately £3,650,000 per annum, total value £36,500,000 subject to inflation and demand changes.

This will be funded from a mixture of both revenue and capital budgets dependent on the value and nature of the expenditure.

Contract Duration

The DPS will be let for a period of up to 10 years and 3 months and will be open for applications on 1 November 2019.

Lotting

The DPS will be split into a number of categories as indicated below:

- Category 1 – Non-operated plant
- Category 2 – Operated plant
- Category 3 – Storage & accommodation
- Category 4 – Access equipment
- Category 5 – Pumps
- Category 6 – Self-drive vehicles

Evaluation

A DPS has two stages of evaluation:

Stage One: Potential suppliers may submit applications to join the DPS. The application process assesses a potential supplier against a series of exclusion and selection criteria in the form of a supplier selection questionnaire (SQ). Under the Public Contracts Regulations 2015, every supplier that passes the SQ must be admitted onto the DPS for the relevant category or categories, which they applied for and where they met the criteria.

Stage Two: This stage is the evaluation of mini-competitions under each category. The primary aim is to formulate lists of suppliers for each category, effective for a period of time (for example one year).

All suppliers that pass Stage One are invited to submit a bid for mini-competitions under the categories as and when they are tendered. Only suppliers appointed to the applicable category may bid for its respective mini-competitions. The mini-competitions will predominantly be evaluated on a lowest price basis. However, the council reserves the right to evaluate on the basis of a price/quality ratio if it is deemed necessary to do so.

Due to the nature of the supply base (many SMEs) and the nature of the hire, (the majority is short-term hire of plant), social value is not incorporated into the evaluation.

Contract Detail

The procurement initiative is to develop a DPS to replace the existing framework agreement that is due to expire on 29 February 2020. The DPS will be opened up to suppliers for application on or around 01 November 2019, and will be open for a period of up to 10 years and 3 months.

To be accepted onto the DPS, suppliers will be required to meet minimum selection criteria and their plant and vehicles must comply with relevant requirements. Suppliers must provide documented evidence where requested, including the appropriate operator licences, policies and procedures. The council may request suppliers to provide additional evidence to confirm validity throughout the duration of the DPS.

Mini-competitions are to be competed from the DPS from January 2020. Suppliers who successfully tender for a mini-competition will receive a contract for a period for the provision of hire equipment.

Utilising a DPS approach will allow for a substantial, varied and flexible supply base to be built up over time. This will help increase competition for hire and drive better value over the longer-term.

The council's Highways Service makes up the vast majority of hire orders at present, although other council services may access the DPS if they have a plant or vehicle hire requirement. Under the new DPS, Lancashire Renewables Limited (LRL) may procure a range of hired plant valued at approximately £1,000,000 per annum based on a long-term hire arrangement.

Hired plant and vehicles may be required in any number of circumstances. For example, Category 1 is for the hire of plant that does not require an operator, as staff will operate the plant themselves. The plant ranges from general power tools such as angle grinders and chainsaws, through to 20 tonne excavators and telescopic truck, to accommodate the wide variety of work carried out by the council and LRL.

Whereas plant and vehicle hire by the council is typically short-term with many items hired less than a week, LRL tend to hire over the long-term (typically four years), as the activities are intensive all-year round.

Prior to any mini-competitions taking place for LRL long term requirements, a review of hiring the plant versus outright purchase will be undertaken, with no mini-competitions for LRL taking place without appropriate approval being obtained by the relevant officers at the council.

Report to the Cabinet

Meeting to be held on Thursday, 3 October 2019

Report of the Head of Service - Policy, Information and Commissioning (Live Well and Age Well)**Part I**

Electoral Division affected:
(All Divisions);

Local Highway Maintenance Challenge Fund and Local Pinch Point Fund

Contact for further information:

Janet Wilson, Tel: (01772) 538647, Senior Commissioning Manager (Live Well),
janet.wilson@lancashire.gov.uk

Executive Summary

On 24 July 2019, the Department for Transport announced two competitive bidding processes; Local Highway Maintenance Challenge Fund and Local Pinch Point Fund. This report requests approval of the proposed bid and expression of interest to the Local Highway Maintenance Challenge Fund and local contributions that would be required should the submissions be successful.

This is deemed to be a Key Decision and the provisions of Standing Order C19 have been complied with.

Recommendation

Cabinet is asked to:

- (i) Approve that a bid be submitted to the Local Highway Maintenance Challenge Fund totalling £3.96m for the repair of retaining walls.
- (ii) Approve that an Expression of Interest be submitted to the Local Highway Maintenance Challenge Fund totalling £9.245m.
- (iii) Approve that proposals relating to the Local Pinch Point Fund be presented to Cabinet for approval in due course.

Subject to the success of (i) and (ii) above:

- (iv) Approve that a local contribution totalling £0.792m be funded by additional prudential borrowing for the retaining wall programme of works.
- (v) Approve that a local contribution totalling £1.850m be funded by additional prudential borrowing for the A601(M) proposals detailed in the report.

Background and Advice

Local Highway Maintenance Challenge Fund

The Department for Transport has made £198m available to enable local highway authorities in England to bid for major maintenance projects that are otherwise difficult to fund through the usual formula needs element allocations received from government. Eligible projects include, for example, structural maintenance, strengthening or renewal of bridges, viaducts, retaining walls or other key structures. In 2019 to 2020 the funding available is £98m. Each local highway authority is eligible to submit one bid for up to £5m of Department for Transport funding,

Expressions of interest (not bids) can be submitted for larger projects in 2020 to 2021 with a minimum Department for Transport contribution of £5m each, for which a total of £100m is available in that year. These must be for maintenance of existing highways and structures, particularly those which need repair urgently, for example structures which require strengthening to prevent weight restrictions or lane closures, or other measures which would require lengthy diversions or other disruption that would affect businesses and residents.

In both instances local authorities are expected to fund a proportion of the total scheme cost. The proportion is not specified and can include third party funding. Previous experience of successful bids suggest that a local contribution of 20% of the total scheme cost is required.

The bidding timetable is as follows:

- 31 October 2019 – deadline to submit a bid up to £5 million.
- 31 October 2019 – deadline to submit expressions of interest for larger schemes with funding in 2020 to 2021.
- 31 December 2019 - Department for Transport to notify winning bids for 2019 to 2020.

For the 2020 to 2021 funding, a small number of schemes will be identified from the expressions of interest and, subject to the caveat that they subsequently successfully complete a Department for Transport business case assessment that provides confidence about value for money, they will be awarded funding for delivery in 2020/21.

Proposed Bid: Repair and Maintenance of Retaining Walls

Based on condition assessment it is proposed that the county council submits a bid to repair a number of retaining walls over three metres in height. The retaining walls, which were typically built during the 18th century as part of the industrial expansion in Lancashire, have only received minor reactive maintenance but are now showing signs of severe deterioration and possible failure and now require substantial capital investment.

The current asset management approach and prioritisation lends itself to preventative maintenance. Dealing with assets that require large capital investment

is difficult to incorporate into this methodology and therefore the maintenance of retaining walls cannot be programmed within the financial envelope available. The walls will be prioritised based on the severity of the condition and their strategic impact on the network. It is anticipated that the final list of walls selected will be located in Pennine Lancashire as the geography in this part of the county with steep valleys and roads, very often running directly adjacent to water courses, means that retaining walls are concentrated in this area. The total cost of the bid is estimated to be £3.96m which would require a local contribution of £0.792m.

Proposed Expression of Interest

With regard to the expression of interest for funding in 2020/21, it is proposed to submit a proposal relating to the A601(M). The A601(M) is a 1.3 mile (2.1km) Special Road in Lancashire. It is a key road linking the M6 at junction 35 to the A6, providing access to Truck Haven located on the junction of the A601(M) and A6, as well as Carnforth itself. The A601(M) also forms part of the official M6 motorway diversion route between junctions 35 and 36.

The road has 5 bridges along its length which require significant maintenance works to ensure their continued use. Without intervention, it is expected that some form of traffic restriction will be required in the form of weight limits, lane restrictions or even full closure.

As a result of traffic restrictions on the A601(M), the diversion of traffic will impact parts of central Carnforth, which is designated as an Air Quality Management Area. Heavy goods vehicles will be directed to a 21 mile (34km) diversion, via M6 junction 36 and the A6, as there is an existing 7.5t weight restriction on the B6254 into Carnforth restricting access.

The proposed scheme includes refurbishment and repair of bridge structures (Brewers Barn West, Brewers Barn East and Elpha), the removal of Brewers Barn West Widening bridge and the removal and replacement of Higher North Road bridge with an at-grade junction at Nether Beck. To facilitate the installation of the at-grade junction, the preferred scheme also proposes the removal of the Special Road status thus removing the M status. The A601(M) will also be fully resurfaced as a result of these works. A full strategic outline business case was commissioned for the preferred option described above. This has confirmed that it satisfies the Department for Transport requirements. The scheme is expected to cost £9.245m and deliver £26.9m of benefits (2010 prices, discounted over 30 years).

The scheme has a Benefit to Cost Ratio of 3.3 and is subsequently expected to deliver 'High' Value for Money based on Department for Transport guidance.

In addition to the transport benefits, when accounting for potential land value uplift, the benefit cost ratio increases to 5.0 which represents 'Very High' value for money according to Department for Transport Value for Money guidance.

A local contribution of 20% is realistic to support the bid. This would require a local contribution of £1.850m.

Local Pinch Point Fund

This competitive fund is for local authorities to bid for high-impact schemes to help address congestion pinch points and to reduce congestion on local roads. The fund is £150m in total, with £75m in each financial year 2021 to 2022 and 2022 to 2023. The Fund is intended to boost economic growth through measures to ease congestion, and improve journey times through small scale improvements, including road widening, junction improvements, and measures to improve traffic flow.

Authorities are asked to submit brief expressions of interest by 31 January 2020. These will be assessed and a decision made on a shortlist. Shortlisted schemes will require submission of a more detailed business case. There is no guarantee of further investment funding to shortlisted authorities. Bids will not be accepted that are related to the major road network. The county council is currently developing options which will be presented to Cabinet for consideration in due course.

Consultations

N/A

Implications:

This item has the following implications, as indicated:

Risk management

In the event that the county council does not submit to the Local Highway Maintenance Challenge Fund it would forego the opportunity to realise additional Department for Transport funding totalling £13.205m. This would result in further deterioration of assets that will continue to be difficult to fund going forward.

Financial

If the submissions are successful, the following local contributions totalling £2.642m will be required:

- Retaining walls bid - £0.792m
- A601(M) expression of interest - £1.850m

Project	2019-20	2020-21	2021-22	2022-23	2023+	Total £m
Retaining walls bid		0.300	0.492			0.792
A601(M) Expression of Interest	0.450	0.400	0.605	0.395		1.850
Total	0.450	0.700	1.097	0.395	0	2.642

It is proposed that the local contributions be funded from prudential borrowing. The cost of repaying this borrowing over 20 years is an annual charge to the revenue budget of £198,000 per annum. To reduce this, the first call on any savings in the current and future years grant funded programmes will be to reduce the borrowing requirement.

List of Background Papers

Paper	Date	Contact/Tel
-------	------	-------------

None

Reason for inclusion in Part II, if appropriate

N/A

Report to the Cabinet

Meeting to be held on Thursday, 3 October 2019

Report of the Head of Service - Core Systems**Part I**

Electoral Division affected:
(All Divisions);

Digital First Strategy

(Appendix 'A' refers)

Contact for further information:

Gabby Nelson, Tel: (01772) 537303, Head of Service - Core Systems,
gabby.nelson@lancashire.gov.uk

Executive Summary

A Digital First Strategy for Lancashire County Council has been developed to enable the organisation to deliver its digital first vision and ambitions. The strategy, set out at Appendix 'A', now requires approval in order for it to be officially launched to staff and published externally for our service users.

Recommendation

Cabinet is asked to approve the Digital First Strategy as set out at Appendix 'A'.

Background and Advice

The Digital First Strategy considers how we will support and empower people to engage with us digitally wherever possible. It also sets out the intention to ensure digital and on-line solutions will become the preferred method of engagement with us. The strategy states how digital solutions will be designed in order to deliver complete end to end transactions which will meet the needs of the customer at a time and place convenient to the individual.

The Digital First Strategy identifies five key priorities for the organisation to address:

- Become more data driven
- Embed a digital culture across the organisation
- Work with our partners digitally
- Explore new digital technologies
- Build a stronger Lancashire economy

The strategy is attached at Appendix 'A'. It will be underpinned by a delivery plan, which will set out the detail of how we will achieve our outcomes and identify key deliverables. There is also robust governance around the strategy, with a Digital Board consisting of director level members.

Whilst the county council is committed to ensuring that digital remains the preferred method of engagement, the more traditional methods such as telephone, email and face to face will remain for those who are unable to engage digitally.

It was agreed at Cabinet/Corporate Management Team that the Digital First Strategy and its agenda will be led by County Councillor Buckley, Cabinet Member for Community and Cultural Services, and supported by County Councillor Riggott, Lead Member for Economic Development and Cultural Services. Progress on the Digital First Strategy will be reported annually to the Cabinet Committee on Performance Improvement.

Consultations

Corporate Management Team, Cabinet/Corporate Management Team, directors, heads of service and relevant, internal and external stakeholders have been involved in contributing to, and developing the, strategy.

Implications:

This item has the following implications, as indicated:

Failure to obtain approval of the Digital First Strategy will restrict Lancashire County Council's ability to realise its digital first aspirations. In addition, without the leverage of an agreed strategy and support from the highest levels of the organisation, it will be difficult to encourage innovation and challenge practice.

Financial

As part of the implementation of the Digital First Strategy there will be additional costs that need to be incurred, however at this stage they are not quantified. Wherever possible these costs will be managed within existing budget provision, however if additional funding is required (capital or revenue), appropriate approval would need to be sought and be presented with a supporting business case.

Risk management

If the strategy is approved it will be underpinned and delivered against a detailed delivery plan. This sets out key deliverables and applies a project status rating which can be reported internally to key, responsible officers on a six weekly basis. An adapted version of this report will be presented to the Cabinet Committee on Performance Improvement annually.

List of Background Papers

Paper	Date	Contact/Tel
-------	------	-------------

None

Reason for inclusion in Part II, if appropriate

N/A

DRAFT

Digital First Strategy

Reference:	Digital First Strategy
Version:	V2.2
Date:	27.08.2019
Owners:	Gabby Nelson
Author:	Mike Kirby, Gabby Nelson, Rachael Pimbley

Introduction

This strategy sets out how Lancashire County Council intends to deliver sustainable digital services to the public in a way that best meets their need and circumstance. It is an ambitious programme that will see many of the council's key services delivered in a digital way, utilising current technology to meet their expectations. It is important that customers have confidence in our systems and processes, knowing that their queries or concerns will be addressed in a timely matter, without the need to speak to multiple departments or repeatedly contact us for progress updates. This strategy also sets out a vision for ensuring that our technology and the way in which it is used and our staff are able to work as efficiently as possible whilst using the digital channels available to them, rather than relying on ad-hoc, paper-based solutions.

Where appropriate for the service and its primary audience, this 'digital first' strategy will support the delivery of the council's corporate objectives as outlined in the council's corporate strategy. These are:

- People make use of technology to access services, support and information
- We support people of all ages and abilities to learn and develop their skills
- We will equip our most vulnerable people with the support and skills they need to do more for themselves
- We recruit and retain a workforce that meets service needs

Vision

Lancashire County Council will be a Digital First organisation, supporting and empowering people, where possible, to engage with us digitally. Digital and on-line solutions will be the preferred method of engagement with us, and our digital solutions will deliver complete end to end transactions designed to meet the needs of the customer.

We will deliver our vision by:

- Putting the customer first and involve them in how we improve their experience by simplify processes and procedures.
- Making more services available 24/7 to fit in with our customers' and partners' needs.
- Defining the operating model for how the council delivers its services digitally.
- Ensuring the way customers, councillors, employees, suppliers and partners work with us and get information is as effective and efficient as possible.
- Using technology to automate processes as much as possible for both internal and external facing services.
- Establishing clear priorities that will help us to become a digital first organisation and setting specific and measurable targets to measure our progress.
Promoting 'channel shift' as much as possible to signpost customers to digital channels as first point of contact.

What does Digital First mean?

Being **Digital First** is not about replacing our services with digital only options, it is about encouraging and enabling those who can use digital tools, or go on-line, to do so.

Making services available digitally can deliver many benefits, including:

- 1) Saving customers time and effort by making services available at a time most suitable to them.
- 2) Providing customers with quick and appropriate channels when they contact us for advice, support or when raising complaints about the services we provide.
- 3) Being more efficient with our time - digital transactions can be delivered in less time than some manual processes. There is also the opportunity to combine digital platforms to improve performance and deliver services that meet actual customer need.
- 4) Generating long term savings.
- 5) Creating opportunities for innovation and growth by providing people in Lancashire opportunities to develop digital skills to support employability, by ensuring super-fast broadband is made available to individuals and business across Lancashire, allowing high-standards of connectivity and speed.

Our Priorities:

The needs of our customers must be at the heart of everything we do. Therefore, we have identified 5 key priorities that Lancashire County Council will commit to addressing in order to provide the best, possible services and experiences for our customers and service users.

These 5 priorities have been established through consultation and represent the areas where we will focus to become a Digital First council. The priorities have been identified through discussion and workshops with key stakeholders, which assessed our organisational aspirations in terms of working more digitally, potential blockers to success, opportunities for successful improvements and quick wins.

- **Become more data driven**
Ensure all data is captured accurately, kept up to date and accessible. This will enable us to make informed decisions that shape the direction of our services.
- **Embed a digital culture across the organisation**
Build confidence in our digital solutions and create an agile and flexible working environment that focuses on service outcomes. This will drive down costs, encourage innovation and enhance the skills throughout our workforce.
Becoming a digital first organisation is at the forefront of decision making and operational objectives.
- **Work with our partners digitally**
Work in collaboration with partners to deliver integrated digital solutions where possible, to join up our systems and processes. This enables timely decision making across agencies and gives a holistic picture of customer's needs, to deliver the right support at the right time.

- **Explore new digital technologies**

Work with partners, technology providers and 'best in class' organisations to find and understand new technological opportunities and innovative solutions that can benefit Lancashire. Use their experience and success to shape potential developments in service delivery and customer engagement.

- **Build a stronger Lancashire economy**

Promote the benefits of digital technologies and digital skills across Lancashire. Encourage customer engagement through continuing provision of access to Superfast and Next Generation Broadband for homes and businesses.

Becoming a Digital First council will mean that digital and on-line options will, where appropriate be our primary channel of communication

This will be the same for our staff, customers, councillors, partners and suppliers. We will make processes simple, appropriate and short, as well as ensuring we provide appropriate opportunities for 'digital learning' across Lancashire.

We know that no two customers' needs are the same and there will always be a need for us to engage with some customers in person or by phone. Where engagement via digital channels is not appropriate or practical, as in the case of our less digitally able service users, assistance will also be available through more traditional and familiar channels. However, we will encourage a digital first approach that will allow for a high volume of less complex interactions to be managed in a quick, efficient and less labour intensive way.

We will:

- Enhance the council's on-line capabilities, including our website, so that customers can transact effectively online, at a time and place that is convenient, without the need for repeating or duplicating information e.g. Report It, Apply for It, Pay for It.
- Implement and develop mobile applications where appropriate, to allow access to online tools from smart phones and tablets.
- Deliver an effective and customer focussed self-serve 'front door' for all services via the website. For all non-digital contacts ensure there is one dedicated point of contact via our Customer Access Service.
- Continue to develop our corporate social media channels and build on their success. Encourage the use of digital advertising across online channels where appropriate, to target hard to reach customer groups for priority communications.

Priority One

Become a more data driven organisation

LCC uses its data to commission and deliver services. However, we must become better at harnessing data. We need to better identify the information we hold, why we hold it, what we intend to use it for and understand what it is telling us. By managing our data better, we can make better informed decisions by identifying trends and patterns across services, across geographic locations and across our customers. We can then use what we know to target services to those customers and places that need them the most.

We will:

- Get the basics right by ensure the data we collect is appropriate, accurate and stored in the correct systems, in the correct way and in accordance with the relevant data protection legislation. Appropriate retention periods will be applied and data will be held in a way that makes it easily reportable, without the need for manual intervention.
- Deliver accurate, relevant and accessible data that can be used to support decision makers in effectively predicting and planning, both tactically and strategically.
- View our data as a priority asset for Lancashire and make better use of it strategically to help the people and businesses across the county.
- Develop a clear vision and approach to what we report and how we report it. This needs to be built upon the good practice set out in the data strategy to ensure confidence in the data we hold and publish.
- Simplify data collection, storage and use, minimising the number of different systems we use. We will maximise the use of core ICT systems and stop procuring and using bespoke, non-integrated, methods of data recording such as individual spreadsheets and standalone databases.
- Maximise the interface between 'line of business systems' (when these can't be avoided) and core ICT systems, to give a comprehensive overview of information. Ensure any digital systems used in day to day business can interface with our core systems, to enable centralised reporting and increase confidence in the data we hold.

Priority Two

To embed a digital culture across the organisation

A key element of this strategy is to embed a digital culture across the authority. This will be done by offering digital options as a first choice wherever possible. As well as effective system design, a significant culture change within the organisation is required.

We will:

- Drive positive culture change by encouraging the inclusion of digital first solutions at the heart of all strategies, and through support from senior managers by providing the leadership to drive this forward.
- Become a "paper-lite" authority, reducing the requirement for physical records and challenging paper usage wherever possible.
- Work with suppliers to increase e-invoicing, resulting in more records being stored electronically and work with partners to encourage electronic sharing of information.
- Build a strong agile workforce who will embrace and utilise technology that encourages electronic delivery of processes to ensure consistency and efficiency.

- Encourage integrated workplaces that are multi-disciplinary and support effective partnership working to ensure reliable connectivity, wifi, network and systems access (where required).
- Remove physical and technical barriers including access to buildings, ICT networks and support systems.
- Develop effective IT portals which allow customers and suppliers to access many services in a single place.
- Improve management information and HR processes making them more accessible with a focus on enabling managers to do more on line at first contact.
- Provide comprehensive employee support through a 'digital first' culture change programme. We will work in partnership to devise a programme of digital skills support to build capability and confidence throughout our workforce.

Priority Three

Work with our partners digitally

We need to be able to work with partners and suppliers using the principles outlined above. We need to have the ability to work securely in shared buildings, sharing networks and data whilst protecting ourselves, our partners and our customers. Our property strategy includes making all of our buildings 'digitally available' so we need to ensure our protocols for information sharing are kept up to date.

We will:

- Encourage and enable our suppliers to play their part in achieving our digital aspirations by ensuring there is some obvious benefit to them, such as timely payment and early payment incentives. In order to do this our systems need to be highly intuitive and easy to use.
- We will re-invigorate the i-supplier project aiming to achieve a 90% uptake of suppliers who interact with us digitally.
- Continue to build on the development of shared processes and ways of working with health partners, local authorities, Lancashire Constabulary and Contractors to deliver better services and outcomes more effectively for our customers.
- Work with others to provide and facilitate opportunities to develop digital skills across the Lancashire community including developing a programme of digital skills support, to build capability and confidence throughout our communities and local businesses.

Priority Four

Build a stronger Lancashire economy

The Lancashire Economic Partnership, will continue to help and support the digital and creative economy within Lancashire. We will continue to support our key initiatives listed below, and identify new central or regional government funding sources which will contribute to growing the digital economy, improve digital skills and create further employment opportunities by promoting the benefits of digital and improving digital skills.

We will:

- Deliver on our role as the first regional partner for the Department for Digital, Culture, Media and Sport's, Digital Skills Partnership to map, promote and develop positive initiatives increasing digital skills within Lancashire. These will be continually developed and delivered to ensure the ongoing improvement of digital skills across all Lancashire residents to enable them to engage more easily with digitised council services, and empower them more generally in their jobs and day to day lives.
- Ensure our digital ecosystem grows by facilitating and strengthening links between employers and education through:
 - Placing approximately 500 students and pupils per year in digital and technology businesses, via our role as a pilot area for T-Levels and the Made Smarter programme, our Digital Advantage programme run by Digital Lancashire, and a variety of university placement initiatives.
 - Aiming for a digital advisor in every Lancashire school as part of our successful Enterprise Advisor network.
- Provide advice and, where possible, funding, to ensure that all office and property development has the correct infrastructure and community support to enable the development of digital businesses and digitally skilled businesses.
- Through our Service Level Agreement with Digital Lancashire provide a welcome and soft landing package to new inward investment from digital businesses and digital talent, through tours, community building events, and data collection to promote regional strengths.
- Use our Innovation Plan to drive digital innovation through the 5 key theme areas:
 - Staying ahead
 - New routeways to excellence
 - Broadening the innovation base
 - Enabling infrastructures for innovation
 - Letting the world know

Further details of the Lancashire Innovation Plan can be found below.

https://lancashirelep.co.uk/wp-content/uploads/2019/03/LCC5166_Lancashire-Innovation-Plan_Online-1.pdf

Priority Five

Explore new digital technology

There is an ever increasing range of technology being developed, some of which is now reaching a level of maturity which gives local authorities the confidence to explore and engage with it where appropriate.

We will:

- Build a solid foundation and get the basics of becoming a digital first organisation right, before we fully explore these opportunities.
- Consider using more unconventional methods to compliment the delivery of our services to users, where there are opportunities and demand to do so.

- Strive to continually develop and improve service delivery and customer experience through technological advances, working alongside the traditional and familiar and learning from businesses and local authorities using new technologies.

Delivering Change, Monitoring Progress and Measuring Success

Resourcing the Delivery

In order to successfully deliver this ambitious programme of work, additional resource and investment will be required. A dedicated team will be required if we are to give the appropriate level of attention to delivering our objectives. It is proposed that this situation remains under the review of the Director of Strategy and Performance to determine the timing of this.

Monitoring and Reporting Progress

It is essential that we are able to monitor progress and ensure that the work we are doing is delivering a tangible difference to the staff and service users of Lancashire County Council. Therefore this strategy will be supported by a robust implementation plan. The plan will evidence the delivery of our priorities in and will set out key milestones and achievements.

The strategy will set out our five year approach to becoming a digital first organisation and will remain unchanged. Whereas the Digital First Implementation plan will evolve and change as we meet each milestone. This plan will set out the detail of *how* we deliver the digital first objectives along with timescales for delivery. The initial version of the plan will be included with this document as an appendix.

Progress in implementing the strategy and delivery plan will be reported to the Digital Board on a six weekly basis, with the option to report to Corporate Management Team as necessary. Progress will be reported to the Cabinet Committee on Performance Improvement on an annual basis and updates to be provided to the Cabinet Lead for Digital on a quarterly basis, with the opportunity for ad-hoc progress reports as required.

Report to the Cabinet

Meeting to be held on Thursday, 3 October 2019

Report of the Head of Service - Policy, Information and Commissioning (Live Well and Age Well)**Part I**

Electoral Division affected:
(All Divisions);

Cross-Border Placements – Implementation of the Care Act 2014 (Approval of Revised Adult Social Care Policies and Procedures)

(Appendix 'A' refers)

Contact for further information:

Kieran Curran, Tel: (01772) 536068, Senior Policy, Information & Commissioning Manager (Live Well),

kieran.curran@lancashire.gov.uk

Executive Summary

Following the introduction of the Care Act 2014, the county council has undertaken to review all adult social care policies, practice and guidance to ensure compliance. The following new policy, procedures and guidance document is now presented to Cabinet for approval:

- Cross-Border Placements

This is deemed to be a Key Decision and the provisions of Standing Order C19 have been complied with.

Recommendation

Cabinet is asked to approve the implementation of the Cross-Border Placements policy as set out at Appendix 'A'.

Background and Advice

The Care Act 2014 significantly altered the landscape of adult social care for local authorities. In response, a comprehensive review of the county council's adult social care policies, procedures and guidance has been undertaken and key policy documents have been identified for development and/or revision, as part of a phased programme to ensure compliance.

This phased programme continues with the submission of a new policy, procedures and guidance document: Cross-Border Placements.

Current arrangements

[A new framework was approved in March 2016 to ensure compliance with the Care Act](#) and to subject all new adult social care policies, procedures and practice guidance documents to robust governance arrangements.

Summary of Revised Policies and Procedures and Guidance documents

A new document – Cross-Border Placements – is now ready for approval by Cabinet.

Cross-Border Placements

This is a new policy to ensure compliance with the Care Act 2014 (specifically, Section 39 and Schedule 1), the Care and Support (Cross-Border Placements and Business Failure: Temporary Duty) (Dispute Resolution) Regulations 2014 and related statutory guidance.

The document sets out:

- The county council's obligations to consider whether a residential care placement in a different territory of the United Kingdom (or a placement into Shared Lives accommodation or Supported Living accommodation in England) would be appropriate for meeting a person's needs;
- The principles governing how the county council should consider a cross-border placement in terms of its impact on the person's well-being;
- The processes for arranging, monitoring and reviewing the placement between the "first" and "second" authorities (i.e. the local authority that is placing or will place the person and the authority into whose area the individual is placed or will be placed) - the county council could be either the first or second authority, depending on circumstances, and;
- The resolution of any disputes that may arise as a result of the placement.

The policy is linked to a number of existing policy, procedures and guidance documents including Continuity of Care, Ordinary Residence and Wellbeing Principle.

A copy of the policy is set out at Appendix 'A'.

Consultations

Wider public consultation has not been necessary as the policy reflects new duties and requirements placed on the county council under the Care Act 2014.

Implications:

This item has the following implications, as indicated:

Workforce

Our support for Lancashire residents is guided by the county council's adult social care policies, procedures and guidance. The accuracy and relevance of these documents is essential to support practice and the delivery of high quality services.

The Care Act and supporting guidance place a series of new duties and responsibilities on the county council in regard to care and support for adults. All new documents have been reviewed and cleared by the county council's legal team before being presented to Cabinet for final approval. All documents will be publically accessible as part of this process, with the aim of reducing legal challenge and complaints due to a lack of understanding or transparency.

Equality and Diversity

The Care Act itself was implemented following a period of consultation and its provisions were assessed for their equality impact. Policies and procedures guidance documents are primarily intended as a guide for social care employees in applying the Care Act 2014 and ensuring delivery of quality care and support. It is an intrinsic requirement that these are applied objectively and fairly to all people with protected characteristics (age, disability, gender identity, sex/gender, race, religion or belief, sexual orientation, pregnancy and maternity and marriage or civil partnership status) and that, where necessary, reasonable adjustments are made to assist disabled people to participate in the process, or that other steps are taken to meet the requirements of the Equality Act 2010.

Furthermore, in line with the Public Sector Equality Duty, each policy, procedures and guidance document has been considered by the Equality and Cohesion Manager and a short appendix added to highlight the aims of the Public Sector Equality Duty and protected characteristics in a proportionate manner. It is intended that this will provide staff with a bespoke summary of how each policy, procedures and guidance document may impact on groups with protected characteristics and that this is a proportionate means of showing due regard in relation to each individual policy, procedures and guidance document.

Financial

A person's eligibility for care and support provided by the county council will be determined following a proportionate assessment. The person must have needs arising from a physical or mental impairment or illness and be unable to achieve two or more outcomes, as defined in the Care Act 2014. This is further explained in our Eligibility Criteria policy. Information is provided during the assessment period as to the potential financial implications to the person receiving care and support, when the outcome of the assessment has been determined and agreed by both the assessor and the person being assessed and/or a suitable person, e.g. family member, advocate and/or attorney. This will detail how a person's contribution to care is worked out and, where an assessment determines that any care needs would be best met in a residential setting, describes the implications to the person if they own a property and the deferred payment options offered by the council.

Following the assessment stage, the individual's estimated personal budget must be shared with the individual when the care and support plan is being drafted.

Any financial implications that result from a needs assessment or care and support plan are addressed via the specific commissioning, delegation and funding arrangements governing each individual social care service, if so required.

Risk management

The Care Act Statutory Guidance states that the county council should develop and maintain policies in relation to a number of subject areas covered by the Act. The county council may be at risk of future legal challenges if the recommendations are not taken forward.

List of Background Papers

Paper	Date	Contact/Tel
None		
Reason for inclusion in Part II, if appropriate		
N/A		

Adult Social Care Policies and Procedures

CROSS BORDER PLACEMENTS

WARNING! Please note if the review date shown below has passed this procedure may no longer be current and you should check the PPG E Library for the most up to date version

CONTENTS

CROSS BORDER PLACEMENTS

POLICY VERSION CONTROL

1. POLICY STATEMENT	3
2. KEY DEFINITIONS AND PRINCIPLES	5
2.1 First Authority	5
2.2 Second Authority	5
2.3 Principles	5
2.4 Advocacy	5
2.5 Information Sharing	6
2.6 Self-arranged placements	6
3. PROCEDURES	
3.1 Step 1: Care and Support Planning	6
3.2 Step 2. Initial liaison between the “first” and “second” authorities	7
3.3 Step 3: Arrangements for managing the placement	8
3.4 Step 4: Confirmation of the placement	9
3.5 Timeliness	9
3.6 Where the individual requires a stay in NHS accommodation	9
3.7 Where the individual requires NHS-funded nursing care	9
3.8 Where the individual's care needs change during the placement	10
3.9 Complaints	10
3.10 Reporting arrangements	10
3.11 Disputes between authorities	11
3.12 Provider failure	12
4. CASE STUDY	12
5. RELATED DOCUMENTS	13
6. EQUALITY IMPACT ASSESSMENT	14

POLICY VERSION CONTROL

POLICY NAME	Cross Border Placements		
Document Description	This document sets out the county council's response to obligations placed on it by Section 39 of the Care Act 2014 in relation to individuals moving between different territories of the United Kingdom.		
Document Owner	Kieran Curran		
Document Author	Kieran Curran	Date	September 2019
Status	DRAFT	Version	0.2
Last Review Date	N/A	Next Review Due date	N/A
Approved by		Position	
Signed		Date Approved	

DOCUMENT CHANGE HISTORY			
Version No	Date	Issues by	Reason for change

1. POLICY STATEMENT

This policy should be read in conjunction with the county council's policy on Ordinary Residence and [Continuity of Care](#).

People's health and wellbeing are likely to be improved when they live close to a support network of friends and family. In a small number of cases, a person's friends and family may be located in a different country of the UK from that in which they currently live.

In developing a care and support plan, the county council and the person concerned may conclude that the person's wellbeing is best achieved by a residential care placement in a different country of the UK.

The four administrations of the UK (England, Scotland, Wales and Northern Ireland) have worked together to set out guidance on these "cross-border" residential care placements. This document is based on that guidance.

As a rule, responsibility for individuals who are placed in cross-border residential care remains with the "first authority" – i.e. the council area where the person currently lives. This document sets out how councils in different UK countries should work together when arranging cross-border accommodation placements.

This document covers:

- responsibilities of local authorities or Health and Social Care (HSC) Trusts in Northern Ireland, when placing people in care homes in different territories of the UK
- What to consider when planning and carrying out a cross-border placement
- The process for resolving disputes that may arise in relation to a cross-border placement.

This policy applies to cross-border placements of any duration.

This policy also applies to a placement into England that consists of Shared Lives scheme accommodation or supported living accommodation (for example, where the second authority is also in England). It does not cover Shared Lives and supported-living arrangements made by a first authority in England for a placement into a second authority in Scotland, Wales or Northern Ireland.

Therefore, to fulfil its duty under Section 39 and Schedule 1 of the Care Act 2014 the county council will, working with its statutory, voluntary and private sector partners, comply with the national threshold relating to care and support in a manner that is relevant, coherent, timely and sufficient.

The county council will make all reasonable adjustments to ensure that all disabled people have equal access to participate in the eligibility decision in line with the Equality Act 2010.

The geography and population of Lancashire is diverse and our Adult Social Care Policies and practice will aim to deliver services and supports that are representative of the communities in which we work.

Advocacy

Care and support should always be centred on the person. Under the Care Act, the county council must arrange for an independent advocate to facilitate the involvement of the person with care and support needs in their assessment, care and support plan and any reviews of their care plan, as well as in safeguarding enquiries and Safeguarding Adult Reviews, if two conditions are met:

- The person has **substantial difficulty** in being involved in these processes
- There is not an **appropriate individual** willing to support them

Further information is available in the [Care Act Advocacy PPG](#). Please be aware that further duties to arrange an advocate also apply under the Mental Health Act and Mental Capacity Act.

Complaints

The county council will follow the Care Act and other relevant legislation, policies and guidance to ensure our practice is of high quality and legally compliant. Where our customers or those we come into contact with wish to challenge or raise concerns about our decisions regarding eligibility [the county council's complaints procedures will be made available](#). More information on complaints regarding cross border placements is available at Section 3.9 (page 10).

Safeguarding

The county council will follow its obligation under the Care Act to [safeguard adults with care and support needs](#) (whether or not the council is meeting any of those needs) and ensure that its obligations are carried out in partnership with all agencies and organisations who may come into contact with those people.

General Principles

The Care Act allows the county council to consider our financial resources and how we spend public funds to meet people's needs.

The county council wants staff to apply their professional judgment and will support them to do so.

As a professional you should determine the most appropriate intervention for the person's needs and desired outcomes. Staff should always consider what would help the person to gain, retain or regain their independence.

2. KEY DEFINITIONS AND PRINCIPLES

2.1 First authority

The first local authority (or Health and Social Care (HSC) Trust in Northern Ireland, which provide integrated health and social care services across Northern Ireland) is the authority which places the individual in a cross-border residential placement.

In arranging a cross-border placement the first authority should make all those arrangements that it would normally make in organising a residential care placement in its own area.

2.2 Second authority

The second authority is the local authority (or HSC Trust) into whose area the individual is placed or will be placed.

Lancashire County Council may be the first or second authority, depending on circumstances.

2.3 Principles

The following principles should be observed in applying this policy:

The individual should be kept informed and involved throughout the process.

This policy is designed to improve the wellbeing of people who may benefit from a cross-border placement. If such a placement is identified as a potential support during the care and planning process, staff should discuss this with the person (or their representative or advocate). In making any subsequent arrangements, the county council must always have regard to the person's views, wishes, feeling and beliefs.

For more on promoting a person's wellbeing please see the [Wellbeing Principle PPG](#).

Reciprocity and cooperation. The smooth functioning of cross-border arrangements is in the interests of all parties – and most importantly the interests of people in need of a placement. All councils are expected to co-operate fully and communicate properly. Where people may need care and support from the second authority (for example, in the event of unforeseen and urgent circumstances such as provider failure) the second authority may have a duty to meet such needs and there should be no delay in the discharge of such a duty. Arrangements to recoup costs can always be made subsequently.

2.4 Advocacy

The benefits of advocacy in supporting the individual to express their wishes should be considered throughout the process, especially when the person does not have anyone appropriate to support them. For more information, please see the [Care Act Independent Advocacy PPG](#).

2.5 Information Sharing

In general the duties specified in the Care Act, and related statutory guidance, apply to cross-border placements as they apply to placements within the county council's own area. Where, for example, this would involve the sharing of information or the gathering of information by the second authority on behalf of the first, (see next section) the person involved should be informed of this at the outset and their consent sought.

There are a number of other occasions when communication with the person concerned, their friends and family, and/or their representatives/advocate will be vital. These occasions are spelled out in the Procedures section, below.

2.6 Self-arranged placements

This policy **does not apply** in relation to individuals who arrange their own care. Individuals who arrange and pay for their own care will normally be ordinarily resident in and/or the responsibility of the area to which the person moves. This policy **does apply** to individuals who pay for their own care where that care is arranged by an authority.

3. PROCEDURES

3.1 Step 1: Care and Support Planning

Any need for a cross-border residential care placement will be determined through the overall [care and support plan](#) prepared with the person.

In planning to meet care and support needs, county council staff should establish what (if any) support networks (for example, friends and family) are in place where the person currently lives and enquire whether a support network exists elsewhere. Alternatively, the individual (or their family or friends) may themselves raise the potential of a move to an area with a greater support network or to move to an area for other reasons.

If residential care in a different territory of the UK appears to be appropriate for meeting the person's needs, the county council should inform the individual concerned (and/or their family representative or advocate) of the potential availability of a cross-border placement and its suitability in meeting the person's needs and wishes.

If the person wishes to pursue a cross-border placement, the county council should carefully weigh the pros and cons of such a move. This includes considering:

- Would the support network in the area of the proposed new placement improve (or at least maintain) the person's wellbeing?
- What effect might the change of location have on the person's wellbeing? How well are they likely to adapt to their new surroundings?

- Is the individual in receipt of any specialist health care? Will the locality of the proposed new placement allow for the satisfactory continuation of this treatment?
- Where the person lacks the mental capacity to decide where to live, who is the individual's representative? The representative should be consulted and in certain cases there will be a duty to involve them.

For more information, please see the PPGs on [Wellbeing](#) and [Care Act Independent Advocacy](#).

With the permission of the person concerned (or their representative/advocate), the county council should approach the friends and/or family of the individual concerned who are resident in the area of the proposed new placement (and any friends and/or family in the area of their current residence) to seek their views on the perceived benefits of the placement and any concerns they may have.

If a cross-border placement still appears to be in the interests of the individual's wellbeing the county council should research the availability of providers in the proposed new placement area which are likely to meet the person's needs. The county council should conduct all necessary checks and exercise due diligence as it would with any other residential placement. The first authority may wish to make preliminary contact with the second authority to research the availability and quality of any potential providers.

The person's views on suitable providers and their agreement should be sought before any final decision is made. The county council should strive to offer people a choice of placements. For more information on offering a choice of a type of accommodation, please see the [Choice of Accommodation PPG](#).

Staff should also inform the person that the first authority will contact the second authority and ask for help with managing the placement or with discharging any other functions (e.g. care reviews).

Where this would involve the sharing of information or the gathering of information by the second authority on behalf of the first, (see next section) the person should always be informed and their consent sought.

3.2 Step 2. Initial liaison between the "first" and "second" authorities

Once the placement has been agreed in principle (with the person concerned and/or their representative) and the relevant council has identified a potential provider, the "first authority" should immediately contact the authority in whose area the placement will be made (the "second authority").

The first authority should:

- Notify the second authority of its intent to make a cross-border residential care placement.

- Provide a provisional date on which it intends for the individual to begin their placement.
- Provide the second authority with details of the proposed provider.
- Seek that authority's views on the suitability of the residential accommodation.

The initial contact can be made by telephone, but should be confirmed in writing.

The second authority has no power to 'block' a residential care placement into its area as the first authority contracts directly with the provider. In the event of the second authority objecting to the proposed placement, all reasonable steps should be taken by the first authority to resolve the issues concerned before making the placement.

Following the initial contact and any subsequent discussions (and provided that no obstacles to the placement have been identified) the first authority should:

- Write to the second authority confirming the conclusions of the discussions, setting out a timetable of milestones up to the start of the placement.
- Inform the provider that the placement is proposed – just as with any residential placement.
- Ensure that the provider is aware that this will be a cross-border placement.
- Contact the individual concerned and/or their representative to confirm that the placement can go ahead and to seek their final agreement.
- Notify any family/friends that the person has given permission and/ or requested to be kept informed.
- Make all those arrangements that it would normally make in organising a residential care placement in its own area.

3.3 Step 3: Arrangements for managing the placement

The first authority will retain responsibility for the individual and the management and review of their placement: the first authority's responsibilities to the individual are **no different** than they would be if the individual were placed with a provider in the authority's own area.

However, the practicalities of day-to-day management of a placement potentially hundreds of miles away may create some difficulties.

The first authority may wish to make arrangements for the second authority to assist with any day-to-day functions (e.g. by helping to gather information necessary for a regular care review and passing this information to the first authority to make a decision) or authorise the exercise of functions on their behalf

Any such arrangement should be detailed in writing and clearly state what role the second authority is to play and for how long. Clarity should also be provided on the regularity of any reporting to the first authority and any payment involved for services provided by the second authority.

3.4 Step 4: Confirmation of the placement

Once the placement has been confirmed, the first authority should notify the second authority and detail in writing all of the arrangements made with the second authority for assistance with on-going placement management. The first authority should also confirm the date at which the placement will begin.

The second authority should acknowledge receipt of these documents and information and give its agreement to the arrangements in writing.

The first authority should provide the person concerned and/or their representative with contact details (including whom to contact during an emergency) for both the first and second authority. If required, it is expected that the first authority will be responsible for organising suitable transport, and for the costs of it, to take the individual and their belongings to their new placement.

The first authority will normally be responsible for closing off previous placements or making other necessary arrangements regarding the person's prior residence.

3.5 Timeliness

Steps 1 to 4 should be conducted in a timely manner; the time taken should be proportionate to the circumstances.

3.6 Where the individual requires a stay in NHS accommodation

Should the individual placed "across a border" need to go into NHS accommodation for any period then this will not change the situation regarding who is responsible for their care.

If, while the individual is in NHS accommodation, a 'retention' fee is payable to the care provider to ensure the individual's place is secured, this will be the responsibility of the first authority.

3.7 Where the individual requires NHS-funded nursing care

Should the person being placed require NHS-funded nursing care, the arrangements for delivering this should be discussed between the first authority, the NHS body delivering the care, the NHS body funding the care and the care provider prior to the placement commencing.

In the event of cross-border placements between England and Scotland or between England and Northern Ireland (in either direction) the health service of the country of the first authority will be responsible for nursing costs. (In England therefore, the individual's responsible Clinical Commissioning Group will pay the costs.) The NHS standing rules have been amended to facilitate this. The first authority should inform the relevant CCG of the arrangements being made and seek the CCG's

formal consent sought. It is not expected that the CCG would withhold consent – any change in costs associated with the care would be likely to be negligible.

In the event of a cross-border placement between England and Wales (in either direction), the second authority's health service will be responsible for the costs of NHS nursing care.

3.8 Where the individual's care needs change during the placement

In the event that a person's care and support needs change during the course of the placement, these changes should be picked up in the course of a care review and the [care and support plan](#) amended as needed.

Responsibility to review and amend the person's care and support plan remains with the first authority, although it may have agreed with the second authority that the latter will assist it in certain ways. In this case, clarity and communication will be important as to each authority's role.

3.9 Complaints

If the complaint relates to the care provider, it should first be made to the provider and dealt with according to the complaints process of the provider as governed by the applicable legislation (this will normally be the legislation of the country into which the individual has been placed).

If the complaint relates to NHS care, it should be dealt with according to the legislation governing such complaints in the relevant territory of the UK.

Complaints regarding the county council – whether it is acting as the first or second authority – should be dealt with by recourse to the [council's complaints procedure](#). It is important to remember that the council acting as the first authority retains responsibility for the person's care and support plan throughout the period of the placement. As such, complaints about the [care and support plan](#) should be handled by the first authority.

If referral to the Health Ombudsmen is necessary, this should be made to the ombudsmen whose investigation the provider or authority in question is subject to.

3.10 Reporting arrangements

The county council should record the number of placements made into its area from other territories of the UK and vice versa.

3.11 Disputes between authorities

A spirit of cooperation and reciprocity backed up by good communication between authorities should avoid the need for dispute resolution. A dispute is most likely to occur because of lack of communication or following a communication breakdown/misunderstanding between first and second authority during the process of arranging the placement.

The Regulations under Schedule 1 state:

- a dispute must not be allowed to prevent, interrupt, delay or otherwise adversely affect the meeting of an individual's care and support needs
- the authority in whose area the individual is living at the date the dispute arises is the lead authority for the purposes of duties relating to coordination and management of the dispute

Before a dispute is referred to central government, the lead authority must:

- co-ordinate the discharge of duties by the authorities in dispute
- take steps to obtain relevant information from those authorities
- disclose relevant information to those authorities

Authorities in dispute must:

- take all reasonable steps to resolve the dispute between themselves
- co-operate with each other in the discharge of their duties

Each authority in dispute must:

- engage in constructive dialogue with other authorities to bring about a speedy resolution
- comply with any reasonable request made by the lead authority to supply information

Referring a dispute

When a dispute is referred, the following must be provided:

- a letter signed by the lead authority stating that the dispute is being referred and identifying the provision of the Act which the dispute is about
- a statement of the facts
- copies of related correspondence

The statement of facts must include:

- details of the needs of the individual to whom the dispute relates
- which authority, if any, has met those needs, how they have been met and the relevant statutory provision
- any relevant steps taken in relation to the person
- an explanation of the nature of the dispute
- details of the person's place of residence and any former relevant residence
- chronology of events leading up to the referral

- details of steps authorities have taken to resolve dispute
- where the individual's mental capacity is relevant, relevant supporting information

The authorities in dispute may make legal submissions and if they do, they must send a copy to the other authorities in dispute, and provide evidence that they have done so.

For more information and advice, please email the county council's Legal Services team on adlegaladvice@lancashire.gov.uk

3.12 Provider failure

In the event that a [provider fails](#) and the county council had made cross-border arrangements for a person with that provider, the second authority has duties to ensure those needs continue to be met for so long as that authority considers it necessary.

In such cases, close communication and cooperation between the first and second authority throughout will be important. In the event of provider failure in Scotland and Wales, the authority hosting the placement can recover costs from the authority that made or funded the arrangements.

4. CASE STUDY

Frances is a 78-year-old woman with severe arthritis who lives alone in south London.

Frances slips while walking down her stairs and breaks a wrist and leg. Frances is admitted to a local general hospital. At the hospital, Francis is visited by Ray, a local authority social services member, who conducts a needs assessment. During the assessment, Ray asks Frances about her support network – does she have any friends and/or family nearby? Frances says her best friend passed away last year. She has one son but he lives outside Edinburgh with his young family.

When Ray re-visits Frances, he informs her that she is eligible for care and support. He also says, that while a number of options exist, it is Ray's opinion that Frances's severe arthritis now means she is unable to live independently and that a care home may be the best way forward. Frances agrees. She expresses relief that she will not have to return home alone but is anxious about moving to an unfamiliar setting.

Ray asks Frances whether she has considered moving to be nearer her son. Frances says yes, but has previously dismissed the idea because she did not want to get in the way. Ray asks whether a move to a care home near her son might be attractive. The local authority would take care of the arrangements and her son and his family could visit more easily. Frances is keen to take this further. Ray asks Frances's permission to contact her son. Frances agrees.

Ray contacts Frances's son, Ian. Ian says he wishes he could visit Frances more often but with two young children and a busy job it is hard to do so. Ian phones every few days and says he knows Frances has been feeling down since her friend passed away. Ian's house is too small to accommodate Frances and is empty all day so no one would be available to support Frances. Ray explains the possibility of a cross-border placement for Frances into a care home close to Ian. Ian says he would find this very attractive. Frances has always enjoyed her visits to Scotland before, especially seeing her grandchildren. Ian agrees to talk to Frances about the possibility.

Ray hears from Frances the next day – she and her son would like to go forward with a cross-border placement. Ray researches possible care homes close to Ian, taking Frances's preferences into account and selects three possibilities that Frances, in conference with Ian, pick from. The preferred home is in a suburban area similar to that in which Frances currently lives and close to a church – Frances is a regular churchgoer. Ray contacts the care home provider, confirms availability and fees, and informs the provider that this would be a cross-border placement.

Ray phones his opposite number, Rhian, in the Edinburgh local authority where the care home is based. Ray informs Rhian that it appears likely a cross-border placement will take place. Rhian says she knows the care home in question and the standard of care is good based on inspectorate findings. Ray thanks her and follows up in writing with the provisional date when the placement will occur and details of the care provider identified. Over the next week, arrangements for the placement are firmed up. Ray draws up an agreement as to how Frances's care will be managed on a day-to-day basis with assistance from Rhian's authority. Rhian has agreed that her local authority will take on several roles including providing assistance and information so that the local authority can fulfil its responsibilities. Rhian's team agree to help to carry out regular care reviews by gathering and reporting information back to Ray's local authority as ultimate decision-maker. Rhian also agrees that her local authority will provide support in an emergency.

5. RELATED DOCUMENTS

POLICY, PROCEDURE AND GUIDANCE (PPG) DOCUMENTS	Policy, Procedures and Guidance intranet site
LEGISLATION AND REGULATIONS	<p>Section 39 of and Schedule 1 to the Care Act 2014</p> <p>The Care and Support (Cross-border Placements and Business Failure: Temporary Duty) (Dispute Resolution) Regulations 2014</p> <p>Chapter 21 of the Care and Support Statutory Guidance</p>

6. EQUALITY IMPACT ASSESSMENT

The Equality Act 2010 requires the county council to have "due regard" to the needs of groups with protected characteristics when carrying out all its functions, as a service provider and an employer. The protected characteristics are: age, disability, gender identity/gender reassignment, gender, race/ethnicity/nationality, religion or belief, pregnancy or maternity, sexual orientation and marriage or civil partnership status.

The main aims of the Public Sector Equality Duty are:

- To eliminate discrimination, harassment or victimisation of a person because of protected characteristics;
- To advance equality of opportunity between groups who share protected characteristics and those who do not share them. This includes encouraging participation in public life of those with protected characteristics and taking steps to ensure that disabled people in particular can participate in activities/processes;
- Fostering good relations between groups who share protected characteristics and those who do not share them/community cohesion.

It is anticipated that the guidance on **Cross Border Placements** in this document will support the county council in meeting the above aims when applied in a person-centred, objective and fair way which includes, where appropriate, ensuring that relevant factors relating to a person's protected characteristics are included as part of the process.

More information can be found on the [Equality and Cohesion intranet site](#).

