



People and Health Overview Committee

Date: Monday, 14 December 2020
Time: 10.00 am
Venue: To be held as a Teams Live Event
Membership: (Quorum 3)

Andrew Kerby (Chairman), Pauline Batstone (Vice-Chairman), Tony Alford, Pete Barrow, Toni Coombs, Beryl Ezzard, Ryan Holloway, Stella Jones, Rebecca Knox and Daryl Turner

Chief Executive: Matt Prosser, South Walks House, South Walks Road, Dorchester, Dorset DT1 1UZ (Sat Nav DT1 1EE)

For more information about this agenda please contact Helen Whitby, Senior Democratic Services Officer, Tel: 01305 224187 or email helen.whitby@dorsetcouncil.gov.uk



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Due to the current coronavirus pandemic the Council has reviewed its approach to holding committee meetings. Members of the public are welcome to attend this meeting and listen to the debate either online by using the following link. [Please follow this link to view the live stream.](#)

Members of the public wishing to view the meeting from an iphone, ipad or android phone will need to download the free Microsoft Team App to sign in as a Guest, it is advised to do this at least 30 minutes prior to the start of the meeting.

Please note that public speaking has been suspended. However Public Participation will continue by written submission only. Please see detail set out below.

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A G E N D A

Page No.

1 APOLOGIES

To receive any apologies for absence.

2 DECLARATIONS OF INTEREST

To receive any declarations of interest.

3 MINUTES

5 - 12

To confirm the minutes of the meeting held on 27 October 2020.

4 PUBLIC PARTICIPATION

To receive questions or statements on the business of the committee from town and parish councils and members of the public.

Public speaking has been suspended for virtual committee meetings during the Covid-19 crisis and public participation will be dealt with through written submissions only.

Members of the public who live, work or represent an organisation within the Dorset Council area, may submit up to two questions or a statement of up to a maximum of 450 words. All submissions must be sent electronically to helen.whitby@dorsetcouncil.gov.uk by the deadline set out below. When submitting a question please indicate who the question is for and include your name, address and contact details. Questions and statements received in line with the council's rules for public participation will be published as a supplement to the agenda.

Questions will be read out by an officer of the council and a response given by the appropriate Portfolio Holder or officer at the meeting. All questions, statements and responses will be published in full within the minutes of the meeting.

The deadline for submission of the full text of a question or statement is 8.30am on Wednesday, 9 December 2020.

5 CURRENT & FUTURE CHANGES TO THE FINANCIAL ASSESSMENT AND CARE CONTRIBUTIONS POLICY 13 - 64

To consider a report by the Interim Executive Director of People - Adults.

6 EQUALITY, DIVERSITY AND INCLUSION: DRAFT STRATEGY AND ACTION PLAN 65 - 106

To consider a report by the Chief Executive.

7 COMMITTEE AND CABINET FORWARD PLANS 107 - 116

To consider the Committee and Cabinet Forward Plans.

8 URGENT ITEMS

To consider any items of business which the Chairman has had prior notification and considers to be urgent pursuant to section 100B (4)b) of the Local Government Act 1972. The reason for the urgency shall be recorded in the minutes.

9 EXEMPT BUSINESS

To move the exclusion of the press and public for the following item in view of the likely disclosure of exempt information within the meaning of paragraph 3 of schedule 12A to the Local Government Act 1972 (as amended).

The public and the press will be asked to leave the meeting whilst the item of business is considered.

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DORSET COUNCIL - PEOPLE AND HEALTH OVERVIEW COMMITTEE

MINUTES OF MEETING HELD ON TUESDAY 27 OCTOBER 2020

Present: Cllrs Andrew Kerby (Chairman), Pauline Batstone (Vice-Chairman), Tony Alford, Pete Barrow, Toni Coombs, Ryan Holloway, Stella Jones and Rebecca Knox

Also present: Cllrs Graham Carr-Jones (Portfolio Holder for Housing and Community Safety, Laura Miller (Portfolio Holder for Adult Social Care and Health) Andrew Parry (Portfolio Holder for Children, Education, Skills and Early Help) and Peter Wharf (Deputy Leader and Portfolio Holder for Corporate Development and Change).

Officers present (for all or part of the meeting):

Sharon Attwater (Service Manager for Housing Strategy and Performance), Andrew Billaney (Interim Corporate Director for Housing), Vivienne Broadhurst (Interim Executive Director - People Adults), Richard Conway (Service Manager for Housing Standards), Sarah How (Service Manager for Housing Solutions), Theresa Leavy (Executive Director of People - Children), Steve March (Senior Environmental Health Officer) and Helen Whitby (Senior Democratic Services Officer)

9. Apologies

Apologies for absence were received from Cllrs Robin Legg and Daryl Turner.

10. Declarations of Interest

Cllrs Pauline Batstone and Tony Alford declared interests in minute 13 as owners of properties they rented. They had not been part of the discussions with landlords referred to in the report.

11. Minutes

The minutes of the meeting held on 22 September 2020 were confirmed. The Chairman would sign them at the earliest opportunity.

12. Public Participation

There were no statements or questions from Town and Parish Councils and members of the public.

13. **Dorset Council Housing Allocations Policy 2021-2026**

The Committee considered a report by the Interim Executive Director of People - Adults which outlined the process in drafting the new Dorset Housing Allocations Policy.

The Portfolio Holder for Housing and Community Safety introduced the report highlighting the need for the Council to adopt a Housing Allocations Policy by 2022 and the consultation undertaken. The new Policy had been drafted with the assistance of the Executive Advisory Panel and would replace those of the previous sovereign Councils.

The Policy is established to ensure the allocation of tenancies is carried out fairly and in accordance with the law. It aims to ensure fair and efficient management of the stock and a scheme that is accessible to those households in housing need. The wider questions on how to respond to housing need are being addressed in current work towards a Homelessness Strategy and an overarching Housing Strategy. The new Policy would reflect the Corporate Strategy. The Committee were asked to recommend the Policy and a delegation for the Portfolio Holder to make any necessary minor amendments to the Cabinet.

The Committee then received additional information about the Policy from the Interim Corporate Director for Housing. He explained the approach taken in preparing the policy, the consultation process and the proposed next steps. He highlighted that the Allocations Policy would form part of wider work to develop a Housing Strategy and Homelessness Strategy for Dorset Council.

The Chairman commented that he had researched the approach taken by other Local Authorities and commended the policy for its thoroughness and quality. Members raised various questions and commented on: monitoring; performance measures; activities taking place; that people should not be given false hope of gaining a property by registering; what "local" meant in the Dorset Council area; the possibility of parish councils having an opportunity to influence allocations in their area; schemes to encourage people to move to more appropriate sized accommodation; whether the financial resource limit of £60K was correct for people to be eligible to apply to the housing register and whether any formula was used to set this level.

The Committee asked that information about how and where the Policy would be monitored and reported should be included and asked for this to be reported to the Committee at a later date.

Members noted that there was to be a quarterly housing briefing to be produced for members, people were given information about alternative accommodation they could pursue, that parish councils could have more input at the planning stage of any developments in their area, and officers would discuss a scheme to incentivise people to move from larger family homes (when their families had moved away) with Registered Social Landlords.

Members thanked officers for the work undertaken in producing the Policy and unanimously:-

Recommended

That the Cabinet endorse the Policy, noting the work of the Executive Advisory Panel and recommend to Full Council:

1. the adoption of the Housing Allocation Policy
2. delegation of authority to the portfolio Holder for Housing and Community Safety to make minor amendments to the Policy and any amendments necessary to reflect legislative change.

Reason for Recommendations

To ensure Dorset Council has a legally compliant Housing Allocation Policy that meets the needs of the residents.

Decision

That information about how and where the Policy would be monitored and reported should be included and asked for this to be reported to the Committee at a later date.

14. Housing Standards Enforcement Policy and Statement of Principles for determining Financial Penalties 2020-2025

The Committee considered a report by the Interim Executive Director of People - Adults on the Housing Standards Enforcement Policy and Statement of Principles for determining Financial Penalties 2020-2025.

The Portfolio Holder for Housing and Community Safety introduced the report by explaining that the Housing Standards Team had responsibility for responding to poor housing conditions and had a range of enforcement powers to ensure that accommodation provided was safe and met the minimum standards. The new policy was not significantly different from those of the previous sovereign councils.

It was noted that officers were carrying out more pro-active enforcement work with regard to empty properties and now had capital to progress compulsory purchase orders (CPO) when owners were reluctant to bring empty properties back into use. This approach meant that more owners were engaging with officers without the need for CPOs. Members also noted a project was underway across Dorset whereby letting agents were encouraged to assess and market properties correctly with an Energy Performance Certificate (EPC) and improve them if they failed to meet the Minimum Energy Efficiency Standard. A project of targeted enforcement was also commencing in Weymouth to tackle aspects of the poor private rented sector.

With regard to the risk assessment for the policy being low, it was explained steps to mitigate risk and ensure the correct procedures were followed. Hence the risk was identified as low.

Members noted that of the 300 formal complaints received in 2019-2020, 40 resulted in formal notices being served and only 10-15 of them resulted in notices for work to be carried out. Many of the formal complaints were resolved informally but there were cases where the tenant's perception of the problem was high when the risk to health was low. There was the chance that these are cases typically received as complaints by local councillors.

Members suggested that statistics around informal and other action which were currently not recorded and which would reflect positively on the service and policy should be collected. In response officers confirmed that information about informal actions which led to improvements was captured and that this could be shared with members following the meeting.

With regard to whether information gathered by people visiting properties was being shared, it was explained that the project in Weymouth, funded by the Department for Communities and Local Government, helped identify high risk properties which would then be inspected to ensure improvements were undertaken. The information gained through the project could be used in other areas at a future date. It was recognised that more could be done to cross reference information in order to target enforcement activity.

A member asked whether the team were included in the work of the Safe and Independent Living (SAIL) scheme whereby agencies visiting people's homes could ask other agencies to assist a person or family in need of support. It was confirmed that the team were part of this scheme. and there was good join up between directorates and other partners.

With regard to whether a tenant might be put in a worse situation whilst improvements were being made, it was explained that enforcement action took into account the views of the tenant and the owner in order to arrive at the appropriate decision as to whether the tenant could remain safely in the property or an alternative needed to be found.

It was highlighted that the recommendation referred to the People and Health Scrutiny Committee rather than the Overview Committee and this change was noted.

The Committee supported the adoption of the policy.

Recommended

That the Cabinet adopt the Housing Standards Enforcement Policy and Statement of Principles for determining Financial Penalties 2020-2025.

Reason for Recommendation

In April 2020 all existing Housing Enforcement Policies novated to the new Dorset Council. These policies remain in force until 31st March 2021 or until a new policy supersedes them.

The formation of Dorset Council on the 1 April 2019 required that the Council adopt one new Enforcement Policy and Statement of Principles for determining Financial Penalties across the new council area.

The new policy is not significantly different from those of the original sovereign councils. They have been amalgamated and updated to reflect changes in legislation and good practice.

15. **Private Sector Housing Assistance Policy**

The Committee considered a report by the Interim Executive Director of People - Adults on the Private Sector Housing Assistance Policy.

The Portfolio Holder for Housing and Community Safety introduced the report explaining that the previous sovereign councils each had different policies which meant there were inconsistencies across Dorset. The new policy would address these inconsistencies. The main changes were summarised in Appendix 2 to the report. Once approved, the policy would be publicised to encourage take up.

As to whether the assistance scheme could be used in conjunction with commercial borrowing, it was explained that the loans were targeted towards people who may have been refused commercial loans or find it difficult to access credit. Loans therefore have an element of risk attached to them but default levels are currently very low because Lendology CIC offer a range of repayment options to suit the applicant's circumstances..

With regard to whether any thought had been given to providing loans to foster carers or potential foster carers in order for them to be able to adapt their homes to facilitate this, it was explained that this could be considered under Recommendation 2 but had not been considered as part of the policy. Several members supported this suggestion. The Interim Corporate Director for Housing stated that he would take this and the broader question of support for foster carers and their housing requirements up with Children's Services officers.

The Committee supported the new policy.

Recommended

That the Cabinet:

1. Adopt the Dorset Council Private Sector Housing Assistance Policy.
2. agree that authority be delegated to the Corporate Director Housing and Community Safety in consultation with the Portfolio Holder for Housing to:
 - (a) make minor amendments to the policy to comply with legislation and guidance;
 - (b) suspend the approval of any discretionary housing assistance offered in this policy;
 - (c) introduce new assistance to help private residential property should funding become available.

Reason for Recommendation

The Council is required by law to adopt and publish a policy detailing any assistance it wishes to offer to improve private residential property.

The formation of Dorset Council requires that a new Private Sector Housing Assistance Policy is adopted. On the 1 April 2019 policies from the original sovereign councils novated to Dorset Council. Generally, these policies are similar but not identical and therefore there are inconsistencies in some areas of assistance offered. A summary of the main changes to existing policies is shown in Appendix 2 of this report.

Financial assistance has several aims. It is targeted to:

- Improve the quality of the housing stock in Dorset
- Improve the ability of disabled people to access their property
- Reduce carbon emissions
- Improve people's health.
- Allow the Council to take advantage of and facilitate the uptake of external funding.

16. **Committee's Forward Plan and Cabinet Forward Plan**

The Committee considered its Forward Plan and that of the Cabinet.

The Chairman had asked Portfolio Holders to indicate whether there were any areas they wished to the Committee to address, some had responded to this request, others not. This gave the Committee a chance to look at items they wished to pursue. He hoped to be able to take this forward via an on-line facility.

A member reminded the Committee that some of the current Executive Advisory Panels (EAP) were due to report to the Committee at some point. Of particular importance was that focusing on the transition from child to adulthood as this transition needed to be seamless. It was agreed that an item on Transitions would be added to the Forward Plan for the meeting on 14 December 2020. It was noted that the EAP on Transitions had not yet met and that the Cabinet had recently taken a decision to wind up the current EAPs now that the new Scrutiny and Overview arrangements were in place.

The Portfolio Holder for Housing and Community Safety had asked the Committee to be involved in the development of the Council's Homelessness Strategy.

The Portfolio Holder for Adult Social Care and Health reminded the Committee that she now had two Lead Members, one of who would be contacting chairmen view a view to helping shape overview and scrutiny work so that the best value could be obtained from these Committees. She agreed with the importance of the transition from child to adulthood and was hoping to develop effective partnership working to address this.

The Portfolio Holder for Corporate Development and Change referred to the EAP on Reset and Recovery which had just produced its final report. This had been referred to the Chairman of the People and Health and Place and Resources Overview Committees to consider the best way forward.

The Chairman raised the issue of timing, capacity and resources for any workshops which may need to be held to take matters forward.

The Portfolio Holder for Children, Education, Skills and Early Help thanked the Committee for including assistance for fostercarers within the housing policies previously discussed. He also suggested that the Committee might like to hold an inquiry day into young people's mental health and wellbeing as this was consistently highlighted by them as an issue. He wanted the Council to have a mechanism by which their concerns could be taken into account so that any crises could be dealt with as speedily as possible.

Decisions

1. That an item on the Transition from Child to Adulthood would be considered at the meeting on 14 December 2020.
2. That an inquiry day to look at young people's mental health and wellbeing be added to the Forward Plan.
3. That the need to take forward work arising from the EAP on Reset and Recovery be noted.
4. The request from the Portfolio Holder for Housing and Community Safety for the Committee to be involved in the development of the Council's Homelessness Strategy be added to the Forward Plan.

17. Urgent Items

There were no urgent items.

18. Exempt Business

There was no exempt business.

Duration of meeting: 10.00 am - 12.05 pm

Chairman

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People & Health Overview Committee 14 December 2020 Current & Future Changes to the Financial Assessment and Care Contributions Policy

For Recommendation to Cabinet

Portfolio Holder: Cllr L Miller, Adult Social Care and Health

Local Councillor(s): n/a

Executive Director: V Broadhurst, Interim Executive Director of People - Adults

Report Author: Nicola Fowler
Title: Financial Assessment Team Manager
Tel: 01305 224732
Email: nicola.fowler@dorsetcouncil.gov.uk

Report Status: Public

Recommendation:

The updated policy as set out in appendix A is agreed. This incorporates the changes identified with this report under section 2.2.

Agreement is sought for the Executive Director and the Portfolio Holder for Adult Social Care and Health to have delegated authority to sign off future minor amendments and clarification of decision-making processes within the policy.

Reason for Recommendation:

To update the Charging and Financial Assessments Policy to support the continued delivery of the Service ensuring care contributions can be assessed and collected in a timely manner supporting fairness and equitability across the county.

1.0 Background

Unlike the NHS, Adult Social Care is not a free service. The expectation is that individuals who can afford to fund their own care do so and those who are unable to do this can apply to Dorset Council for support. The support from Dorset Council will be based on a care needs assessment which will identify the needs of an individual and whether they are eligible under the Care Act 2014. If the

council is going meet an individual's needs through services e.g. home care, residential care, day care, direct payment, then a financial assessment will be carried out to determine the level of contribution that an individual can afford to make towards their care. In carrying out the Financial Assessment, the Financial Assessment Team will seek to ensure that an individual is maximising the income they can claim in relation to benefits and also take account of any disability related expenditure. For some individuals they will be assessed as not being able to afford to make a contribution towards their care costs for others the assessment process will determine the maximum amount of contribution they need to make.

Dorset Council's Charging and Financial Assessment policy was originally written in 2015 before the implementation of The Care Act 2014. When the Care Act 2014 was implemented, this policy was adopted. Under The Care Act 2014 local authorities are able to charge for care and support. Where charges are made the overarching principle is that people should only be required to pay what they can afford. The charging framework is therefore based on the following principles that local authorities should take into account when making decisions on charging. ensure that people are not charged more than it is reasonably practicable for them to pay

- be comprehensive, to reduce variation in the way people are assessed and charged
- be clear and transparent, so people know what they will be charged
- promote wellbeing, social inclusion, and support the vision of personalisation, independence, choice and control
- support carers to look after their own health and wellbeing and to care effectively and safely
- be person-focused, reflecting the variety of care and caring journeys and the variety of options available to meet their needs
- apply the charging rules equally so those with similar needs or services are treated the same and minimise anomalies between different care settings
- encourage and enable those who wish to stay in or take up employment, education or training or plan for the future costs of meeting their needs to do so
- be sustainable for local authorities in the long-term

Since the implementation of The Care Act 2014, it has become clear that there are areas where the Act is not always clear on how to treat an individual's finances within the financial assessment, e.g. in the specific area of allowances in the financial assessment for Disability Related Expenditure (DRE). Often when faced with a difference of opinion between the council and the individual or their representative, The Care Act 2014 cannot provide a definitive resolution, which leaves Dorset Council with a dispute around the outcome of the financial assessment. Recently there has been a case where in-house legal advice was

also unable to clarify The Care Act so it was felt that the situation would benefit from a review by the Local Government Social Care Ombudsman (LGSCO) to clarify the position when the CA is not clear. The outcome from the LGSCO was that where the Care Act 2014 is not clear, the local authority's policy should be clear on how they will deal with those charging issues within the financial assessment.

In 2019/20 Dorset Council invoiced 4,540 people a total of £23.162m. In that same year 6,432 people were receiving care services, suggesting that approximately 70% of service users make a contribution towards their care costs, ranging between £2 per week and the full cost of the care they receive.

2.0 Current Amendments

2.1 This is a refresh and review of the current policy following a recent decision by the LGSCO. This review has taken account of changes in the benefit system after the Care Act was implemented, the expectation on people who have authority to manage someone's money, the allowances that can be made for household or disability-related expenditure.

The amended policy is attached and requires urgent sign off as it now addresses a number of areas where individuals are currently in the process of taking their appeals to the LGSCO.

2.2 The amendments to the policy are in the following areas and are shown in blue in the amended policy;

Section	Change	Reason
2.3	Treatment of couples	Clarifies the request for additional information on the assets of a spouse which they are not obliged to provide as part of the assessment process. Although financial assessments are based on individual circumstances, where people have joint assets or income, they may be asked to provide information on their own assets in order to ensure that the correct allowances are made in the financial assessment. This will be to the benefit of the spouse and will only be used to increase their own income rather than decrease it.

2.5 – 2.7	'Gross without prejudice' funding	Clarifies how we will support people who do not have capacity and cannot access their assets until someone is formally appointed to act for them. Also provides clarification on the process for recovering monies paid out where people do not have capacity.
2.9	Financial assessment in prisons	Clarifies how we will assist prisoners who are receiving care in a custodial setting to access financial support with care services.
3.2	Tariff Income	Clarifies the contribution that people are expected to make towards care from their capital assets
4.2 – 4.3	Completion of financial assessments	Confirms how resources will be used to enable individuals to make applications for financial assistance for care services and the expectation on people with formal authority to act on a individuals behalf.
4.7	Capacity regarding finances	Clarifies that where people do not have someone acting for them formally we will engage with a nominated relative/friend to provide information for the financial assessment, to enable people to access financial assistance where they are entitled.
6.3	Decisions on deprivation of assets	Confirms the review process for appealing decisions around people giving away assets with the intention of reducing future care costs.
8.3	Third party financial assessments	Clarifies the process for ensuring that relatives who state that they are able to meet the cost of a third party contribution are able to do so for a 2-year period and the process where this

		is not considered to be affordable to ensure that people do not enter into a financial agreement that they cannot afford.
9.2	Minimum Income Guarantee (MIG)	Clarifies that MIGs are set annually by central Government and adopted by LAs.
9.4	Property ownership	Clarifies that the value of properties which are not the individuals own home will be treated as a capital asset in the financial assessment.
9.5 – 9.6	Invoicing periods	Clarifies the frequency and detail of requesting payment for care costs.
25 (iv)	Disregarded properties	Clarifies the process for notifying the LA of changes in circumstance where a property has been disregarded in a financial assessment due to a statutory disregard being met.
27.1 (a)	12 Week Property Disregard	Clarifies start date of 12- week property disregard where individual has been self-funding.
45.2 b (v)	Minimum Income Guarantee (MIG)	Clarifies that MIGs are set annually by central Government and adopted by LAs and how they will be treated as income.
46.6	Entitlement to welfare benefits	Confirms that people are expected to claim all of the benefit income that they are entitled to in order to maximise their income and minimise financial assistance required from the local authority.
47.1	Backdated benefits	Confirms that people are expected to inform the LA of changes in their income, in order to ensure that the financial assessment is correct and confirms that where changes are not

		notified, then the charges may be backdated, possibly resulting in a debt.
47.2	Transfers from Disability Living Allowance (DLA) to Personal Independence Payment (PIP)	Clarifies the differing treatment of DLA and PIP in the financial assessment and the responsibility of the person or their representative to inform the LA of the change in order to avoid backdated charges being applied to the assessment.
48.1 – 48.2	Support for Mortgage Interest Loans	Clarifies that where people are entitled to apply for a Mortgage Interest Loan to assist with payment of a mortgage, they are expected to make all appropriate efforts to do so, in order to maximise their own income.
49.1	Debts	Confirms that no allowance can be made in the financial assessment for outstanding debts and that people should take independent advice to address debt issues in with the requirement to pay for care services.
50.2 d) ii, iii, iv, h) i, ii, i, j, k, l 50.3 50.4	Disability Related Expenditure (DRE)	Clarifies the treatment of DRE in the financial assessment on a range of different expenditure in order to ensure fairness and equitability across all areas of Dorset.
53.3	Minimum Income Guarantee (MIG) and non-dependant deductions	Clarifies allowances made in the financial assessment which reflect the fact that people who live with relatives are expected to contribute towards household expenditure such as rent, council tax, utilities, food.

54	Appeals process	Confirms the process for appealing decisions made within the financial assessment process.
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3.0 Future amendments

The Charging and Financial Assessment Policy will continue to require regular amendments, as and when issues are identified that are not clearly addressed within The Care Act. There needs to be a simple and timely ability to amend the policy as and when required.

Delegated authority for further minor changes to the Charging and Financial Assessment Policy is being sought to enable the Executive Director and the Portfolio Holder for Adult Social Care and Health to authorise minor amendments. The majority of minor changes made to the policy will only clarify how specific situations around expenditure and other allowances are considered in the assessment and will not fundamentally change the way individuals are financially assessed across the county.

Significant changes would require member agreement and potentially a formal consultation process.

4.0 Executive Summary

4.1 Financial Implications

Adoption of the changes to the policy should lead to improved clarity and operational delivery of the policy. Fewer cases being lost when reviewed by the LGSCO and in turn, increased income and reduced reputational damage. The LGSCO have themselves recommended that our policy be amended to reflect some of their more recent rulings.

4.2 Well-being and Health Implications

The purpose of clarifying the policy is to ensure that people are treated fairly and equitably across the county and that the policy is sustainable in recovering income from charges for care – enabling the authority to continue to provide the high level of care services required.

4.3 Climate implications

None identified

4.4 Other Implications

None identified

5.0 Risk Assessment

Having considered the risks associated with this decision, the level of risk has been identified as:

Current Risk: **LOW** – the aim is to clarify policy decisions, allowing the Financial Assessment Team to implement charges fairly across the county

Residual Risk: **LOW** – if the policy amendments are not agreed then the authority faces potential reputational risk where the decision-making process is not clear and could face challenge from the Local Government and Social Care Ombudsman.

6.0 Equalities Impact Assessment

The amended assessment does not affect the previously completed EqIA

7.0 Appendices

Amended Charging and Financial Assessment Policy – specific amended areas shown in [blue](#)

8.0 Background Papers

Footnote:

Issues relating to financial, legal, environmental, economic and equalities implications have been considered and any information relevant to the decision is included within the report.

Ref. No.	
Category (Y/N)	
People	
Place	
Corporate	
In Constitution	

Financial Assessment and Care Contributions Policy

Policy details	
What is this policy for?	Local authorities have a duty to arrange care and support for adults with eligible needs, and a power to meet non-eligible needs. In both cases the local authority has discretion to choose whether or not to charge. This policy sets out how Dorset Council has decided to exercise that discretion, in accordance with the regulations, the statutory guidance and the overarching principle that people should only be asked to pay what they can afford.
Who does this policy affect?	This policy applies to staff who are involved in charging and financial assessment, and service users, carers and their families.
Keywords	Eligible needs. Fair charging. Fair contributions. Financial assessment. Additional payments. Personal Budgets.
Policy owner	Financial Support Manager
Does this policy relate to any laws?	Care Act 2014 Sections 14, 17 and 69-70 Care Act 2014: Care and support statutory guidance Care and Support and Aftercare (Choice of Accommodation) Regulations 2014
Is this policy linked to any other Dorset Council policies?	Direct Payments; Recovery of Debts; Deferred Payments; Transport; and Safeguarding. It is also linked to public information on our website.
Equality Impact Assessment (EqIA)	An Equality Impact Assessment (EqIA) was completed for all financial policies that were written to introduce the Care Act in Dorset. A further EqIA (with an action plan to mitigate adverse impacts) was completed in respect of the 'Making Charges Fairer' review carried out in March 2017. The EQIA will be updated when the policy is reviewed.
Other Impact Assessments	N/A

Status and Approvals			
Status	Live / Under review	Version	V3
Last review date	September 2020	Next review date	September 2021
Approved by (Director)	Director for Adults and Housing	Date approved	July 2017
Member/ Partnership Board Approval	Executive Advisory Panel / Cabinet	Date approved	July 2017

Adults and Community Services

Financial Assessment and Care Contributions Policy

Purpose	Local authorities have a duty to arrange care and support for adults with eligible needs, and a power to meet non-eligible needs. In both cases the local authority has discretion to choose whether or not to charge. This policy sets out how Dorset Council has decided to exercise that discretion, in accordance with the regulations, the statutory guidance and the overarching principle that people should only be asked to pay what they can afford.								
Scope	<p>The scope of this policy covers:</p> <ul style="list-style-type: none"> Introduction Common Issues for Charging; Capital Limits; Carrying out a Financial Assessment; 'Light Touch' Financial Assessments; 'Deprivation of Assets' and Debts; Charging for Care and Support in a Care Home; Choice of Accommodation; Charging for Care and Support in other Care Settings; Charging for Support to carers; Requesting Support to Meet Eligible Needs; Pension Reforms; Complaints. 								
Areas of responsibility	This policy applies to staff who are involved in charging and financial assessment, and service users, carers and their families.								
Keywords	Eligible needs. Fair charging. Fair contributions. Financial assessment. Additional payments.								
Glossary of Terms / Definitions	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr style="background-color: #f2f2f2;"> <th style="text-align: left;">Term</th> <th style="text-align: left;">Definition</th> </tr> </thead> <tbody> <tr> <td>Dorset, the Council, we, ourselves, us</td> <td>Dorset Council (the 'local authority')</td> </tr> <tr> <td>The Care Act</td> <td>The Care Act is a major reform of the law about care and support. It puts people and their carers in control.</td> </tr> <tr> <td>Policy</td> <td>A policy is a set of principles, rules and guidelines that help the Council make decisions and that let people know what they can expect from us.</td> </tr> </tbody> </table>	Term	Definition	Dorset, the Council, we, ourselves, us	Dorset Council (the 'local authority')	The Care Act	The Care Act is a major reform of the law about care and support. It puts people and their carers in control.	Policy	A policy is a set of principles, rules and guidelines that help the Council make decisions and that let people know what they can expect from us.
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Dorset, the Council, we, ourselves, us	Dorset Council (the 'local authority')								
The Care Act	The Care Act is a major reform of the law about care and support. It puts people and their carers in control.								
Policy	A policy is a set of principles, rules and guidelines that help the Council make decisions and that let people know what they can expect from us.								

	Wellbeing	The wellbeing principle in the Care Act means that when Dorset arranges care and support for someone it must take into account a wide range of things that contribute to their physical, mental and emotional welfare.
	Personalisation	Personalisation means that every person who receives support, whether it is provided by Dorset, or funded by themselves, will have choice and control over the 'shape' of that support in all care settings.
	Eligible needs	'Eligible' needs are those needs for care and support which Dorset is required to meet by the Care Act. Although the Council has powers to meet any other needs, the determination of 'eligible' needs is important in helping people to access care and support.
	Capacity	The Mental Capacity Act protects people who are unable to make decisions for themselves. This could be for reasons such as a mental health condition , a severe learning disability , a brain injury or a stroke .
	Financial assessment	The Council carries out a financial assessment (or 'means-test') to work out how much, if anything, someone will pay for the social care services they receive. The assessment looks at someone's income and capital, compared to the cost of providing the services.
	Capital	Examples of capital include, but are not limited to, property and savings.
	Income	Examples of income include, but are not limited to, money received from work or benefits, or as returns from capital.
	Resources	Capital and income together make up someone's resources.
	Deprivation of assets	Sometimes people deliberately try to avoid or decrease payment of a contribution towards their care and support, by 'depriving' themselves of capital or income.
	Disregards	A disregard is something that is not taken into account in the financial assessment.
Legislation and legal requirements	This policy relates to sections 14, 17 and 69-70 of the Care Act 2014, the Care and Support (Charging and Assessment of Resources) Regulations 2014, and the Care and Support and Aftercare (Choice of Accommodation) Regulations 2014.	

Equality impact assessment	An Equality Impact Assessment (EQIA) was completed for all financial policies that were written to introduce the Care Act in Dorset. A further EQIA was completed in respect of the 'Making Charges Fairer' review carried out in March 2017.
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1. Introduction

- 1.1. The Care Act says that if a local authority arranges care and support to meet an adult's needs, it may charge, except where it is required by the law to arrange the care and support free of charge. The law says that people should only be asked to pay what they can afford. So some people are entitled to financial support based on a means-test and some people are entitled to free care and support. Dorset's policy about charging is based on the following principles:
- a) we will not charge people more than it is reasonably practicable for them to pay;
 - b) we will be comprehensive, to minimise variation in the way people are assessed and charged;
 - c) we will be clear and open, so people know what they will be charged;
 - d) we will promote wellbeing, and social inclusion, and we will support the vision of personalisation, independence, choice and control;
 - e) we will support carers to look after their own health and wellbeing and to care effectively and safely;
 - f) we will be person-focused, reflecting the different care and caring journeys and the different options available to meet people's needs;
 - g) we will apply the charging rules equally so those with similar needs or services are treated the same and to minimise anomalies between different care settings;
 - h) we will encourage and help those who wish to (a) stay in or take up employment, education or training, or (b) plan for the future costs of meeting their needs to do so;
 - i) we will ensure the policy is affordable for Dorset in the long-term.
- 1.2. Alongside this, we will ensure there is sufficient information and advice available in a suitable format for the person's needs, in accordance with the Equality Act 2010, to ensure that they or their representative are able to understand any contributions they are asked to make. We will also make sure that the person, or their representative, is aware of the availability of independent financial information and advice.

2. Common Issues for Charging

- 2.1. Dorset has a duty to arrange care and support for adults with eligible needs, and a power to meet non-eligible needs. In both cases, Dorset has the discretion to choose whether or not to charge. This policy sets out how Dorset Council has decided to exercise that discretion, in accordance with the regulations and the guidance. Staff must follow this policy at all times, but if they believe that to do so would be inappropriate in a particular individual case, they should discuss the matter with their manager.
- 2.2. If a financial assessment shows that a person has more capital than the 'upper capital limit', the law says that Dorset must not pay towards the costs of a care home. However, the law about charging for settings other than care homes is different and Dorset has made a decision about what it is reasonable to charge in accordance with the law.
- 2.3. Dorset has no power to assess couples or civil partners according to their joint resources. Each person must therefore be treated individually. However, we will ask people who are part of a couple whether they would like to provide details of their partner's capital and income, as this may be to their benefit: we can make additional allowances in the financial assessment where the spouse/partner has income below minimum income limits, and we can seek to ensure the couple is in receipt of all benefits they may be entitled to. Additional allowances can only be considered where the spouse provides evidence of both their income and their capital assets.

- 2.4. Where a person lacks capacity, we may still assess them as being able to contribute towards the cost of their care. We will put in place policies about how we communicate, how we carry out financial assessments and how we collect any debts that take into consideration the capacity of the person as well as any condition they may have. Sometimes it will be useful to consult with and engage with family members; however, family members may not have the legal right to access the person's bank accounts. Where possible, we will work with someone who has the legal authority to make financial decisions on behalf of a person who lacks capacity. If there is no such person, then an approach to the Court of Protection will be made.
- 2.5. There are occasions when it remains to be determined where the responsibilities lie for funding placements and/or providing care and support. On such occasions, Dorset may offer to assist with funding on a 'without prejudice' basis in order that the person's needs will be met. When the determination is made any charges for care and support owing to Dorset will be backdated to the date the care and support commenced, in accordance with the outcome of the financial assessment.
- 2.6. The council expects that a person making an application to be legally appointed to act for another person with needs for care and support, but who lacks capacity to manage their own finances, will apply to the Department for Work and Pensions to become their Appointee, to enable them to receive their welfare benefit income pending the application to the Office of the Public Guardian/Court of Protection. The welfare benefit income can be used to contribute towards the cost of their care.
- 2.7. The council expects that a person who makes an application to the Office of the Public Guardian/Court of Protection will ensure that the Executor named in the person lacking capacity's Will (if they have a Will) is aware of any debt accruing to Dorset Council which must be addressed by the Estate if the person dies before the applicant has been formally appointed.
- 2.8. The Care Act charging rules apply equally to people in prison. Whilst prisoners have restricted access to paid employment and benefits (and earnings in prison are disregarded for the purposes of a financial assessment), any capital assets, savings and pensions will be given specific consideration as set out in this policy and our policy on 'Prisons, approved premises and bail accommodation'.
- 2.9. Where a person requires care and support in a custodial setting, we will work with HM Prison Service to establish who can assist with completion of the financial assessment. This may be a family member, or someone appointed to act for the person. If the person deals with their own finances, we will carry out a 'benefit check' to establish their past and current entitlement to benefits and, where appropriate, we will visit the person in custody to finalise the information required to complete the assessment.

3. Capital Limits

- 3.1. An amount of money called the 'upper capital limit' sets out at what point a person is entitled to access support from Dorset. This limit is set by the Government.
- 3.2. The upper capital limit is £23,250 for the year 2020-21. Below this level, a person can ask for means-tested support from Dorset. This means that we will carry out a financial assessment of the person's assets and will make a charge based on what the person can afford to pay. Where a person has less than the lower capital limit – which is £14,250 – they will not need to contribute to the cost of their long-term care and support from their capital. Where a person's capital assets are between £14,250 and £23,250, they will be expected to contribute towards the cost of the care from their income, on a sliding scale of £1 for each £250 or part thereof, between the upper and lower capital limits (see paragraph 4.6).
- 3.3. A person with more in capital than the upper capital limit can still ask us to arrange their care and support for them. However, they are not entitled to receive any financial assistance from Dorset, and they pay the full cost of their care and support until their capital falls below the upper capital limit.
- 3.4. Dorset must not charge for certain types of care and support which the law says must be arranged free. These are:
 - a) Intermediate care including reablement (for up to six weeks). We will also follow our policy on 'Preventing, reducing or delaying needs' which explains how we may apply our discretion to offer this free of charge for longer than six weeks where there are clear preventative benefits.
 - b) Community equipment (aids and minor adaptations). Aids must be provided free of charge whether they meet or prevent/delay needs. A minor adaptation is one costing £1,000 or less.
 - c) Care and support provided to people with Creutzfeldt-Jacob Disease.
 - d) After-care services/support provided under section 117 of the Mental Health Act 1983.
 - e) Any service or part of service which the NHS is under a duty to provide. This includes Continuing Health Care and the NHS contribution to Registered Nursing Care.
 - f) Any services which Dorset is under a duty to provide through other legislation may not be charged for under the Care Act.
 - g) Assessment of needs and care planning, which do not constitute 'meeting needs'.

4. Carrying out a Financial Assessment

- 4.1. When Dorset makes a charge, it will not charge more than the cost that it incurs in meeting the assessed needs of the person and it will not charge any administration fee relating to arranging the care and support. The only exception to that is if a person with eligible needs and assets above the upper capital limit asks us to arrange their care and support for them. When that happens, we may charge an administration fee to cover our costs, but it will not be higher than the cost to us of arranging the care and support. (But see also paragraphs 11.1 – 11.4)
- 4.2. The council's usual method of completing financial assessments is via a telephone call at a pre-arranged date and time. However, we will often undertake a financial assessment via post or email,

where the person has a legally appointed representative (i.e. DWP Appointeeship, Enduring or Lasting Power of Attorney, or a Court-Appointed Deputy),

- 4.3. In exceptional circumstances, we will visit the person to carry out a financial assessment. For example, where an elderly or vulnerable person is managing their own finances and is unable to complete a financial assessment over the phone.
- 4.4. When Dorset is making a charge, we will carry out a financial assessment of what the person can afford to pay. When it is finished, we will give a written record of that assessment to the person. We might provide it alongside a person's care and support plan or separately. It will explain how the assessment has been carried out, what the charge will be, and how often it will be made. If the charges are not going to be always the same, it will explain why in a way that the person can easily understand.
- 4.5. Dorset will regularly reassess a person's ability to meet the cost of any charges to take account of any changes to their resources. This is likely to be annually to reflect annual increases in state benefits, but will also take place if there are other changes in circumstances, or at the request of the person.
- 4.6. At the time of the assessment of care and support needs, staff will refer to our policy about 'Independent Advocacy' and make sure that the person has the mental capacity to take part in the care plan and financial assessment. If the person lacks capacity, staff will find out if the person has any of the following, as they would need to be consulted:
 - a) Enduring Power of Attorney (EPA);
 - b) Lasting Power of Attorney (LPA) for Property and Affairs;
 - c) Lasting Power of Attorney (LPA), or Deputyship for Health and Welfare;
 - d) Property and Affairs Deputyship under the Court of Protection; or
 - e) Any other person dealing with that person's affairs (e.g. someone who has been given Appointeeship by the Department for Work and Pensions (DWP) for the purpose of benefits payments).
- 4.7. People who lack capacity to give consent to a financial assessment and who cannot rely on any of the above people with authority to be involved in their affairs may require the appointment of a Property and Affairs Deputy. Family members can apply for this to the Court of Protection or we can apply if there is no family involved in the care of the person and the circumstances of the person meet the criteria set by Dorset Council's Service User's Financial Affairs Team (SUFA). While this takes some weeks, it then enables the person appointed to access information about bank accounts and financial affairs. A person with dementia for example should not be 'forced' to undertake a financial assessment, or to sign documents they are unable to understand, and should not be punished for any incomplete information that is elicited from them. We will work with the EPA, a LPA or a Deputy instead. If a family member is prepared to assist with the financial assessment, this will be accepted in order to complete the financial assessment or where there is no relative or friend available to help the individual, we will work with them to assist them with completing the financial assessment.

- 4.8. A person's capital is taken into account in the financial assessment in accordance with Annex B, unless it is subject to one of the disregards described in the Care Act. The main examples of capital are property and savings. Where the person receiving care and support has capital valued at between the lower capital limit of £14,250 and the upper capital limit of £23,250, we will charge them £1 per week for every £250 in capital between the two amounts. This is called 'tariff income'. For example, if a person has £4,000 above the lower capital limit, they are charged a tariff income $\text{£4,000}/\text{£250} = \text{£16}$ per week towards their care.
- 4.9. In assessing what a person can afford to pay, Dorset also takes into account their income. However, to help encourage people to remain in or take up employment, with the benefits this has for a person's well-being, earnings from current employment are disregarded when working out how much they can pay. There are different approaches to how income is treated depending on whether a person is in residential care or receiving care and support in their own home. Further details are set out in Annex C on the Treatment of Income.

5. 'Light-touch' Financial Assessments

- 5.1. In some circumstances, we will treat a person as if a financial assessment had been carried out. In order to do this, we must be satisfied on the basis of evidence provided by the person that they can afford, and will continue to be able to afford, any charges due. This is known as a 'light-touch' financial assessment.
- 5.2. The main circumstances in which we may consider carrying out a light-touch financial assessment are:
- a) Where a person has significant financial resources and does not wish to undergo a full financial assessment for personal reasons but wishes nevertheless to have our support in arranging their care. In these situations, we may accept other evidence in lieu of carrying out the financial assessment and consider the person to have financial resources above the upper limit;
 - b) Where we charge a small or nominal amount for a particular service (for example, for subsidised services) which a person is clearly able to meet and would clearly have the relevant minimum income left, and carrying out a financial assessment would be disproportionate;
 - c) When an individual is receiving welfare benefits, such as Jobseekers' allowance or Universal Credit, which demonstrate that they would not be able to contribute towards their care and support costs.
 - d) We may be satisfied that a person is able to afford any charges due if there is evidence the person has:
 - e) property clearly worth more than the upper capital limit, where they are the sole owner, or it is clear what their share is;
 - f) savings clearly worth more than the upper capital limit; or,
 - g) sufficient income left following the charge due.
- 5.3. Where Dorset is going to meet the person's needs and we propose to undertake a light-touch financial assessment and, on that basis, to charge the person, we will still make sure that the person concerned is willing to pay all the charges due. We will not charge people more than it is reasonably practicable for them to pay. Where a person does not agree to the charges that they have been assessed as being able to afford to pay, a full financial assessment may be needed.

- 5.4. When deciding whether or not to undertake a light-touch financial assessment we will consider both the level of charge we propose to make as well as the evidence or other certification the person is able to provide. We will inform the person when a light-touch assessment has taken place and make it clear that they have the right to request a full financial assessment should they so wish, as well as making sure they have access to sufficient information and advice, including the option of independent financial information and advice.

6. 'Deprivation of Assets' and Debts

- 6.1. People with care and support needs are free to spend their income and assets as they see fit including making gifts to friends and family. This is important for promoting their wellbeing and enabling them to live fulfilling independent lives. However, it is also important that people pay their fair contribution towards their care and support costs.
- 6.2. There are some cases where it is reasonable to predict that care costs will be incurred, and a person has chosen to 'deprive' themselves of either capital or income. Where we believe this may be the case, we will follow our policy called 'Deprivation of Assets'. In such cases, we may either charge the person as if they still possessed the asset or, if the asset has been transferred to someone else, seek to recover the lost income by charging that person. However, we cannot recover more than the person gained from the transfer.
- 6.3. Where we decide that a person has deprived themselves of assets with the intention of avoiding or reducing care and support charges, the person has a route to appeal against that decision via the council's statutory Complaints Procedure. The Procedure provides for a review of the decision by a senior manager within the Strategic Finance Service. If the person, or their appointed representative, is not satisfied with the outcome of the review, we will advise the person to approach the Local Government and Social Care Ombudsman and request an independent review.
- 6.4. Where a person has accrued a debt to us following a decision that they have deprived themselves of assets with the intention of avoiding or reducing care and support charges, we may use our legal powers to recover that debt. In deciding how to proceed, we will consider the circumstances of the case before deciding a course of action. For example, we will consider whether this was a deliberate avoidance of payment or due to circumstances beyond the person's control.
- 6.5. Ultimately, we may institute court proceedings to recover the debt. However, we will only use this power after other reasonable alternatives for recovering the debt have been exhausted. Further details on how to pursue debts are set out in our 'Debt Management' policy.

7. Charging for Care and Support in a Care Home

- 7.1. This section must be read in conjunction with Annex B on the Treatment of Capital and Annex C on the Treatment of Income.
- 7.2. Where we have decided to charge and have undertaken the financial assessment, we will support the person to identify options of how best to pay any charge. This may include offering the person a deferred payment agreement in accordance with our 'Deferred Payments' policy.
- 7.3. Where we are meeting needs by arranging a care home, we will be responsible for the contractual arrangements with the provider. Even where a contribution is being paid by the person, or a 'top-up' is being paid, we will be responsible for making the payment to the provider of the full amount. Any contributions or top-ups will be invoiced to the individual by Dorset Council.
- 7.4. Where a person is a short-term or temporary resident in a care home, we will charge based on our charging policies as applied in other settings, or in their own home.
- 7.5. People in a care home as long-term residents will contribute most of their income, excluding their earnings, towards the cost of their care and support. However, we will leave the person with a specified amount of their own income so that they have money to spend on personal items such as clothes and other items that are not part of their care. This is known as the Personal Expenses Allowance (PEA) and it is set by the Government. It is in addition to any income the person receives from earnings. Dorset has discretion to apply a higher income allowance in individual cases, for example where the person needs to contribute towards the cost of maintaining their former home, which has been 'disregarded' in the financial assessment.

8. Choice of Accommodation

- 8.1. Where the care planning process shows that a person's needs are best met in a care home we will provide for the person's preferred choice of accommodation, subject to certain conditions. This also applies to 'shared lives', supported living and extra care housing settings. We will determine the right type of accommodation with the adult as part of the care planning process, therefore this choice only applies between providers of the same type.
- 8.2. We will ensure that the person has genuine choice of accommodation and offer at least one option that is affordable and available within a person's personal budget. However, a person will also be able to choose alternative options, including a more expensive setting, where a third party (or in certain circumstances the resident) is willing and able to pay the additional cost ('top-up'). However, an additional payment will always be a matter of choice for the person. When a third-party top-up is chosen, we will carry out a financial assessment of the third party to confirm that they have the means to pay.

8.3. Where we complete a third-party financial assessment and conclude that the proposed payment is not affordable for a two-year period, we will ask the relevant Locality Team to consider an alternative placement for the person. We will also ask the Locality Team to consider an alternative placement when a third-party top-up is in place, but the third-party says that they can no longer afford the payment.

8.4. Charging for Care and Support in other Care Settings, Including a Person's Own Home

8.5. These charging arrangements cover any setting for meeting care and support needs outside of a care home, for example, care and support received in a person's own home, in extra care housing, supported living accommodation or 'shared lives' arrangements. This section should be read in conjunction with Annex B on the 'Treatment of Capital' and Annex C on the 'Treatment of Income'.

8.6. Because a person who receives care and support outside a care home will need to pay their daily living costs such as rent, food and utilities, the charging rules ensure they have enough money to meet these costs. After charging, a person will be left with the Minimum Income Guarantee (MIG). The MIG rates are set by the Government annually (usually in April) and set out in a Circular to local authorities. The various rates reflect different people's circumstances and entitlements to welfare benefits. Where a person receives benefits to meet their disability needs that do not meet the eligibility criteria for care and support from Dorset, the charging arrangements will ensure that they keep enough money to cover the cost of meeting these disability-related costs.

8.7. The financial assessment of a person's capital will exclude the value of the property which they continue to occupy as their main or only home. The council will usually consult people with care and support needs when making important decisions about the exercise of discretion in relation to charging. We will also consider how to protect people's income.

8.8. Where a person owns property or land that is additional to the property they continue to occupy as their main or only home, we will include the value of the additional property or land in the financial assessment as capital. If a person's capital exceeds the upper capital limit, we will expect them to meet the full cost of their care.

8.9. The council operates a weekly charging period: Sunday to Saturday. We will charge all of the costs incurred in a week to the person, subject to their assessed ability to pay for that week. Each week will be taken in isolation to the weeks preceding and following, and a full week's ability to pay will be applied to each week, irrespective of the number of days on which care and support have been provided.

8.10. The council will calculate an amount below which it is uneconomic to raise a weekly invoice and below which there will therefore be no charge to the person for the care received in that week. The weekly amount from April 2020 is £3.00. We call this the 'minimum invoice allowance'.

9. Charging for Support to Carers

- 9.1. Where a carer has eligible support needs of their own, Dorset has a duty, or in some cases a power, to arrange support to meet their needs. When we meet the needs of a carer by providing a service directly to them, for example a relaxation class or driving lessons, we have the power to charge the carer. However, we will not charge a carer for care and support provided directly to the person they care for under any circumstances.
- 9.2. The law does not say that we must charge a carer for the support that they receive, and in many cases, it would be a false economy to do so. In deciding when to charge, and how much, we have taken into account that we value carers within our local communities as 'partners in care', and that we recognise the significant contribution that carers make. Carers help to maintain the health and wellbeing of the person they care for, support their independence and enable them to stay in their own homes for longer. In many cases carers voluntarily meet eligible needs that we would otherwise be required to meet.
- 9.3. It may be that there are circumstances where a nominal charge may be appropriate, for example to provide for a service which is subsidised, but for which the carer may still pay a small charge, such as a gym class. We will make sure that charges do not negatively impact on a carer's ability to look after their own health and wellbeing and to care effectively and safely. Where we decide to charge carers, we will do so in accordance with the non-residential charging rules. We will usually carry out a financial assessment to ensure that any charges are affordable, except where the carer agrees with us that a full financial assessment would be disproportionate in relation to the charges. In such cases we will carry out 'light touch' financial assessments as described at Section 5.
- 9.4. A carer's assessment may identify that the carer's needs for support could be met by arranging time away from the person they care for, for instance so that they can stay on top of other aspects of their lives, and that in order to achieve this, services need to be provided to support the cared-for person in their absence. Such services would be provided directly to the cared-for person, even though they may meet the needs of both parties and may have been identified through the carer's assessment. The Council may not charge the carer for these services, and any charges should be based on our policy on charging for non-residential care and support.

10. Requesting Support to Meet Eligible Needs.

- 10.1. People with eligible needs and financial assets above the upper capital limit may ask us to meet their needs. This could be for a variety of reasons such as the person finding the system too difficult to navigate or wishing to take advantage of our knowledge of the local market for care and support services. Where the person asks us to meet their eligible needs, and it is anticipated that their needs will be met by a care home placement, then we may choose to meet their needs, but we are not required to do so. In other cases, where the needs are to be met by care and support of some other type, we will meet those eligible needs.

- 10.2. We will make people aware that they have the right to ask us to meet their needs, in certain circumstances even when they have resources above the financial limits and would not be entitled to financial support with any charges. We will be clear that this right does not extend to needs met by a care home placement, although we may choose to apply the same approach. We will offer support to people in meeting their own needs, including providing information and advice on different options, and we may offer to arrange contracts with providers.
- 10.3. Where the person's resources are above the financial limit, the person's entitlement to our support in meeting their needs may be dependent on the request having been made. Therefore, it is important that the person, and any carer, advocate or other person they wish to involve, are aware of this ability. We will make clear to the person that they may be liable to pay an arrangement fee in addition to the costs of meeting their needs, to cover the costs of putting in place the care and support required.
- 10.4. The arrangement fees we charge will cover only the costs that we actually incur in arranging care. The fees will take account of the cost of negotiating and/or managing the contract with a provider and cover any administration costs incurred. Where we choose to meet the needs of a person with resources above the financial limit who requires a care home placement, we will not charge an arrangement fee. This is because we would be supporting people under our power (rather than our duty) to meet needs and our ability to charge the arrangement fee applies only to circumstances when we are required to meet needs.
- 10.5. We will not charge people for a financial assessment, a needs assessment or the preparation of a care and support plan. We may charge a flat rate fee for arranging care. However, any flat rate will be set at a level which does not exceed the costs that we actually incur.
- 10.6. The information we provide to the person following a financial assessment will include information on their right to request us to meet their needs – and how they would be charged – and the advice and support that is available to help people make arrangements to meet their own needs, whatever type of support they require.
- 10.7. We are under a duty to meet a person's eligible needs when requested to do so and their needs are to be met by care and support other than in a care home. However, where the person has resources above the financial limits, we may charge the person for the full cost of their care and support. In such circumstances, the person remains responsible for paying for the cost of their care and support, but we take on the responsibility for meeting those needs. This means that we may provide or arrange care and support, or make a direct payment, or some combination of these.
- 10.8. We will assure ourselves that, whilst the person remains responsible for paying for their own care, they have enough assets for the arrangements that we put in place to remain both affordable and sustainable. We will also take steps to avoid disputes and additional liabilities by securing a person's agreement in writing to pay the costs that they are responsible for in meeting their needs, including

payments to providers. We will make similar arrangements with any third parties that agree to contribute towards these costs.

11. Pension reforms

- 11.1. Reforms to defined contribution pensions came into effect from April 2015. The aim of the reforms is to provide people with much greater flexibility in how they fund later life. The Government expects there to be a range of new products that people will use to manage and access money from their pensions as and when they need it. Where possible, these will be treated similarly to existing drawdown products for charging purposes.
- 11.2. For the purposes of charging, we will follow the guidance set out on the treatment of income and capital in Annexes B and C and treat a person's assets accordingly. Where a person has chosen to withdraw funds from their pension pot and manage it directly, for example combining it with other assets rather than through a pension product, this may be treated as capital under the rules set out in Annex B.

12. Complaints

- 12.1. A person may wish to make a complaint about any aspect of the financial assessment or how we have chosen to charge. We will make clear how our complaints procedure can be used and provide information and advice on how to make a complaint.
- 12.2. Complaints about the level of charge levied by Dorset are subject to the Care and Support complaints procedure as set out in The Local Authority Social Services and NHS Complaints Regulations 2009.

Capital

This annex covers the treatment of capital when conducting a financial assessment in all circumstances.

13. Treatment of Capital

- 13.1. This section of the guidance applies where Dorset has chosen to charge a person for the services it is arranging and therefore must undertake a financial assessment. When doing so, we must assess the income and capital of the person. This Annex covers the treatment of capital and should be read in conjunction with Annex C on the 'Treatment of Income'.
- 13.2. The financial assessment will look across all of a person's assets – both capital and income – decide which is capital and which is income, and assess those assets according to the regulations and guidance. Therefore, staff must also refer to Annex C on the 'Treatment of Income' before conducting a financial assessment. The treatment of income will vary depending on the type of setting a person is receiving care in. The treatment of capital is the same for all settings, except where described.
- 13.3. In assessing what a person can afford to contribute we will apply the upper and lower capital limits. The upper capital limit is currently £23,250 and the lower capital limit is £14,250.
- 13.4. A person with assets above the upper capital limit is deemed to be able to afford the full cost of their care. Those with capital between the lower and upper capital limit will be deemed as able to make a contribution, known as 'tariff income', from their capital. Any capital below the lower capital limit will be disregarded. Further details are set out in later paragraphs 24 to 28.

14. What is capital?

- 14.1. Capital can mean many different things. Staff may need to take advice and consider the individual asset on its merits. In general, it refers to financial resources available for use and tends to be from sources that are considered more durable than money in the sense that they can generate a return.
- 14.2. The following list gives examples of capital. This list is intended as a guide and is not exhaustive.
 - a) Buildings
 - b) Land
 - c) National Savings Certificates and Ulster Savings Certificates
 - d) Premium Bonds
 - e) Stocks and shares
 - f) Capital held by the Court of Protection or a Deputy appointed by that Court
 - g) Any savings held in:

- (i) Building society accounts.
 - (ii) Bank current accounts, deposit accounts or special investment accounts. This includes savings held in the National Savings Bank, Girobank and Trustee Savings Bank
 - (iii) SAYE schemes
 - (iv) Unit Trusts
 - (v) Co-operatives share accounts
 - (vi) Cash
- h) Trust funds

14.3. It is important that people are not charged twice on the same resources. Therefore, resources should be treated as either income or capital but not both. If a person has saved money from their income, then those savings should normally be treated as capital. However, they should not be assessed as both income and capital in the same period. Therefore, in the period when they are received as income the resource should be disregarded as capital.

15. Cases where it is not clear whether a payment is capital or income

15.1. In assessing a person's assets, it may not be immediately clear whether a resource is capital or income, particularly where a person is due to receive planned payments. In order to guide our decision, in general, a planned payment of capital is one which is:

- a) Not in respect of a specified period; and
- b) Not intended to form part of a series of payments.

15.2. We will also have regard to the guidance on capital treated as income at paragraph

16. Who owns the capital?

16.1. A capital asset is normally defined as belonging to the person in whose name it is held i.e. the legal owner. However, in some cases this may be disputed and/or beneficial ownership argued. Beneficial ownership is where someone enjoys the benefits of ownership, even though the title of the asset is held by someone else or where they directly or indirectly have the power to vote or influence a transaction regarding a particular asset. In most cases the person will be both the legal and beneficial owner.

16.2. Where ownership is disputed, we will seek written evidence to prove where the ownership lies. If a person states they are holding capital for someone else, we will obtain evidence of the arrangement, the origin of the capital and intentions for its future use and return to its rightful owner.

Example A - capital dispute:

Arlene has £14,000 in a building society account in her own name. She says that £3,000 is set aside for her granddaughter's education. Unfortunately, there is no deed of trust or other legal arrangement which would prevent Arlene using the whole amount herself. She is therefore treated as the beneficial owner of the whole amount.

Example B - capital dispute:

Lisa has £10,000 in a bank account in her own name and shares valued at £6,500. She provides evidence to show that the shares were purchased on behalf of her son who is abroad and that they will be transferred to her son when he returns to the UK. Although Lisa is the legal owner, she is holding the shares in trust for her son who is the beneficial owner. Only the £10,000 is therefore treated as Lisa's capital.

- 16.3. Where a person has joint beneficial ownership of capital the total value should be divided equally between the joint owners and the person should be treated as owning an equal share. Once the person is in sole possession of their actual share, they can be treated as owning that actual amount.
- 16.4. In some cases, a person may be the legal owner of a property but not the beneficial owner of a property. In other words, they have no rights to the proceeds of any sale. In such circumstances the property must not be taken into account.

17. Calculating the value of Capital

- 17.1. We will need to work out what value a capital asset has in order to take account of it in the financial assessment. Other than National Savings Certificates, valuation must be the current market or surrender value of the capital asset, e.g. property, whichever is higher, minus:
- a) 10% of the value if there will be any actual expenses involved in selling the asset. This must be expenses connected with the actual sale and not simply the realisation of the asset. For example, the costs to withdraw funds from a bank account are not expenses of sale, but legal fees to sell a property would be; and,
 - b) Any outstanding debts secured on the asset, for example a mortgage.
- 17.2. A capital asset may have a current market value, for example stocks or shares, or a surrender value, for example premium bonds. The current market value will be the price a willing buyer would pay to a willing seller. The way the market value is obtained will depend on the type of asset held.
- 17.3. If the person and the assessing officer both agree that after deducting any relevant amounts set out in paragraph 14 that the total value of the person's capital is more than the upper capital limit of £23,250 or less than the lower capital limit of £14,250 then it is not necessary to obtain a precise valuation. If there are any disputes, a precise valuation should be obtained. However, we will bear in mind how close someone is to the upper capital limit when deciding whether to obtain a precise valuation.
- 17.4. Where a precise valuation is required, a professional valuer should be asked to provide a current market valuation. Once the asset is sold, the capital value to be taken into account is the actual amount realised from the sale, minus any actual expenses of the sale.

- 17.5. Where the value of a property is disputed, we will aim to resolve this as quickly as possible. We will try to obtain an independent valuation of the person's beneficial share of the property within the 12-week disregard period where a person is in a care home. This will enable us to work out what charges a person should pay and enable the person, or their representative, to consider whether to seek a deferred payment agreement.
- 17.6. The value of National Savings Certificates (and Ulster Savings Certificates) is assessed in the same way as other capital assets. To enable an accurate value for the savings certificates the person must provide details of the:
- a) certificate issue number(s);
 - b) purchase price;
 - c) date of purchase.

18. Assets held abroad

- 18.1. Where capital is held abroad and all of it can be transferred to the UK, its value in the other country should be obtained and taken into account less any appropriate deductions under paragraph 14. Where capital is held jointly, it should be treated the same as if it were held jointly within the UK. The detail will depend on the conditions for transfer to the UK.
- 18.2. Where the capital cannot be wholly transferred to the UK due to the rules of that country, for example currency restrictions, we will require evidence confirming this fact. Examples of acceptable evidence could include documentation from a bank, Government official or solicitor in either this country or the country where it is held.
- 18.3. Where some restriction is in place, we will seek evidence showing what the asset is, what its value is and to understand the nature and terms of the restriction so that should this change, the amount can be taken into account. We will also take into account the value that a willing buyer would pay in the UK for those assets, but be aware that it may be less than the market or surrender value in the foreign country.

19. Capital not immediately realisable

- 19.1. Capital which is not immediately realisable due to notice periods, for example National Savings Bank investment accounts or premium bonds, will be taken into account in the normal way at its face value. This will be the value at the time of the financial assessment. It may need to be confirmed and adjusted when the capital is realised. If the person chooses not to release the capital, the value at the time of assessment should be used and it should be reassessed at intervals in the normal way.

20. Upper and lower capital limits

- 20.1. The capital limits set out at what point a person is able to access our support and how much support they receive. The capital limits as at April 2020 are set by the Department of Health and Social Care as follows;

- a) Upper capital limit: £23,250;
- b) Lower capital limit: £14,250.

- 20.2. If a person clearly has capital in excess of the upper capital limit, there is no need to make a wider assessment. If a person is near the upper capital limit, we will be mindful of the need to plan ahead for when assets have been spent down and the person may therefore fall below the upper capital limit. This will help reduce burdens on both Dorset and the person from needing to repeat the financial assessment within a short timeframe.
- 20.3. The capital which a person has below the lower capital limit must be disregarded in the calculation of tariff income (see below).
- 20.4. Where a person is benefiting from the 12 week property disregard and has chosen to pay a 'top-up' fee from their capital resources between the upper and lower capital limits, the level of tariff income that applies during those 12 weeks is the same as it would be if the person were not using the capital to 'top-up'.

21. Tariff income

- 21.1. Where a person has assets between the lower and upper capital limits, we will apply tariff income. This assumes that for every £250 of capital, or part thereof, a person can afford to contribute £1 per week towards the cost of their eligible care needs.

Example C - Tariff income:

Nora has capital of £18,100. This is £3,850 above the lower capital limit of £14,250. Dividing the £3,850 by £250 produces a figure of £15.40. When calculating tariff income, the amount is always rounded up. This therefore gives a tariff income of £16 per week.

22. Notional capital

- 22.1. In some circumstances a person may be treated as possessing a capital asset even where they do not actually possess it. This is called 'notional capital'.
- 22.2. Notional capital may be capital which:
- a) Would be available to the person if they applied for it;
 - b) Is paid to a third party in respect of the person;
 - c) The person has deprived themselves of in order to reduce the amount of charge they have to pay for their care.

22.3. A person's capital should therefore be the total of both actual and notional capital. However, if a person has actual capital above the upper capital limit, it may not be necessary to consider notional capital.

22.4. Where a person has been assessed as having notional capital, the value of this must be reduced over time. The rule is that the value of notional capital must be reduced weekly by the difference between the weekly rate the person is paying for their care and the weekly rate they would have paid if notional capital did not apply.

Example D - diminishing notional capital:

Hayley is receiving care and support in a care home. She is assessed as having notional capital of £20,000 plus actual capital of £6,000. This means her assets are above the upper capital limit and she needs to pay the full cost of her care and support at £400 per week.

The notional capital should therefore be reduced by £300 per week – the difference between the sum Hayley is paying (£400) and would have paid without the notional capital (£100).

23. Capital disregarded

23.1. The following capital assets will be disregarded:

- a) Property in specified circumstances (see paragraph 34);
- b) The surrender value of any:
 - (i) Life insurance policy;
 - (ii) Annuity.
- c) Payments of training bonuses of up to £200;
- d) Payments in kind from a charity;
- e) Any personal possessions such as paintings or antiques, unless they were purchased with the intention of reducing capital in order to avoid care and support charges;
- f) Any capital which is to be treated as income or student loans;
- g) Any payment that may be derived from:
 - (i) The Macfarlane Trust;
 - (ii) The Macfarlane (Special Payments) Trust;
 - (iii) The Macfarlane (Special Payment) (No 2) Trust;
 - (iv) The Caxton Foundation;
 - (v) The Fund (payments to non-haemophiliacs infected with HIV);
 - (vi) The Eileen Trust;
 - (vii) The MFET Trust;
 - (viii) The Independent living Fund (2006);
 - (ix) The Skipton Fund;
 - (x) The London Bombings Relief Charitable Fund.
- h) The value of funds held in trust or administered by a court which derive from a payment for personal injury to the person. For example, the vaccine damage and criminal injuries compensation funds;
- i) The value of a right to receive:
 - (i) Income under an annuity;
 - (ii) Outstanding instalments under an agreement to repay a capital sum;
 - (iii) Payment under a trust where the funds derive from a personal injury;

- (iv) Income under a life interest or a life-rent;
- (v) Income (including earnings) payable in a country outside the UK which cannot be transferred to the UK;
- (vi) An occupational pension;
- (vii) Any rent. Please note however that this does not necessarily mean the income is disregarded. Please see Annex C for guidance on the treatment of income.

Example E - disregarded capital:

Mr T is a former Far East prisoner of war and receives a £10,000 ex-gratia payment as a result of his imprisonment. He now requires care and support and has a total of £25,000 in capital. When calculating how much capital should be taken into account, we will disregard the first £10,000 – the value of the ex-gratia payment. The normal capital rules are then applied to the remaining £15,000.

In this case, the first £14,250 would be completely disregarded in addition to the £10,000. Tariff income would therefore only be applied to the remaining £750 giving a charge of £3.

- j) Capital derived from an award of damages for personal injury which is administered by a court or which can only be disposed of by a court order or direction;
- k) The value of the right to receive any income under an annuity purchased pursuant to any agreement or court order to make payments in consequence of personal injury or from funds derived from a payment in consequence of a personal injury and any surrender value of such an annuity;
- l) Periodic payments in consequence of personal injury pursuant to a court order or agreement to the extent that they are not a payment of income and are treated as income (and disregarded in the calculation of income);
- m) Any Social Fund payment;
- n) Refund of tax on interest on a loan which was obtained to acquire an interest in a home or for repairs or improvements to the home;
- o) Any capital resources which the person has no rights to as yet, but which will come into his possession at a later date, for example on reaching a certain age;
- p) Payments from the Department of Work and Pensions to compensate for the loss of entitlement to Housing Benefit or Housing Benefit Supplement;
- q) The amount of any bank charges or commission paid to convert capital from foreign currency to sterling;
- r) Payments to jurors or witnesses for court attendance (but not compensation for loss of earnings or benefit);
- s) Community charge rebate/council tax rebate;
- t) Money deposited with a Housing Association as a condition of occupying a dwelling;
- u) Any Child Support Maintenance Payment;
- v) The value of any ex-gratia payments made on or after 1st February 2001 by the Secretary of State in consequence of a person's, or person's spouse or civil partner's imprisonment or internment by the Japanese during the Second World War;
- w) Any payment made by a local authority under the Adoption and Children Act 2002 (under section 2(b)(b) or 3 of this act);
- x) The value of any ex-gratia payments from the Skipton Fund made by the Secretary of State for Health to people infected with Hepatitis C as a result of NHS treatment with blood or blood products;
- y) Payments made under a trust established out of funds provided by the Secretary of State for Health in respect of persons suffering from variant Creutzfeldt-Jakob disease to the victim or their partner (at the time of death of the victim);
- z) Any payments under Section 2, 3 or 7 of the Age-Related Payments Act 2004 or Age-Related Payments Regulations 2005 (SI No 1983);

- aa) Any payments made under section 63(6)(b) of the Health Services and Public Health Act 1968 to a person to meet childcare costs where he or she is undertaking instruction connected with the health service by virtue of arrangements made under that section;
- bb) Any payment made in accordance with regulations under Section 14F of the Children Act 1989 to a resident who is a prospective special guardian or special guardian, whether income or capital.

24. Property disregards

24.1. In the following circumstances the value of the person's main or only home will be disregarded:

- a) Where the person is receiving care in a setting that is not a care home;
- b) If the person's stay in residential or nursing care is temporary and they:
 - (i) Intend to return to that property and that property is still available to them; or
 - (ii) Are taking reasonable steps to dispose of the property in order to acquire another more suitable property to return to.
- c) Where the person no longer occupies the property but it is occupied in part or whole as their main or only home by any of the people listed below, the mandatory disregard only applies where the property has been continuously occupied since before the person went into a care home (for discretionary disregards see below):
 - (i) The person's partner, former partner or civil partner, except where they are estranged;
 - (ii) A lone parent who is the person's estranged or divorced partner;
 - (iii) A relative as defined in paragraph 35 of the person or member of the person's family who is:
 - I Aged 60 or over, or
 - II Is a child of the resident aged under 18, or
 - III Is incapacitated.
 - (iv) Where the property is disregarded in the financial assessment because a person described at (1)-(3) above resides in it, it is the responsibility of the person, or their appointed representative, to inform us as soon as that arrangement changes. If we subsequently find that we were not informed of such a change at the time, we will amend the financial assessment and backdate it to take into account the change at the time that it happened.

24.2. For the purposes of the disregard a relative is defined as including any of the following:

- a) Parent (including an adoptive parent)
- b) Parent-in-law
- c) Son (including an adoptive son)
- d) Son-in-law
- e) Daughter (including an adoptive daughter)
- f) Daughter-in-law
- g) Step-parent
- h) Step-son
- i) Step-daughter
- j) Brother
- k) Sister
- l) Grandparent
- m) Grandchild
- n) Uncle
- o) Aunt
- p) Nephew
- q) Niece
- r) The spouse, civil partner or unmarried partner of a to k inclusive.

Example F - emotional attachment to a property:

Bea is 62 years' old and lives with her family in Kent. Her father Patrick is a widower who has been living in the family home in Dorchester that she and her sister grew up in and where she occasionally stays to help her father. Patrick has been assessed as having eligible care and support needs that are best met by moving into a care home.

Although Bea is over the age of 60, the family home is not her main or only home and the property is therefore not disregarded.

- 24.3. A member of the person's family is defined as someone who is living with the qualifying relative as part of an unmarried couple, married to or in a civil partnership.
- 24.4. For the purposes of the disregard the meaning of 'incapacitated' is not closely defined. However, it will be reasonable to conclude that a relative is incapacitated if either of the following conditions apply:
- a) The relative is receiving one (or more) of the following benefits: incapacity benefit, severe disablement allowance, disability living allowance, personal independence payments, armed forces independence payments, attendance allowance, constant attendance allowance, or a similar benefit; or
 - b) The relative does not receive any disability related benefit but their degree of incapacity is equivalent to that required to qualify for such a benefit. Medical or other evidence may be needed before a decision is reached.
- 24.5. For the purpose of the property disregard, the meaning of 'occupy' is not closely defined. In most cases it will be obvious whether or not the property is occupied by a qualifying relative as their main or only home. However, there will be some cases where this may not be clear, and we will undertake a factual inquiry weighing up all relevant factors in order to reach a decision. An emotional attachment to the property is not enough for the disregard to apply.
- 24.6. Circumstances where it may be unclear might include where a qualifying relative has to live elsewhere for the purposes of their employment, for example a member of the armed services or the diplomatic service. Whilst they live elsewhere in order to undertake their employment, the property remains their main or only home. Another example may be someone serving a prison sentence. It would not be reasonable to regard the prison as the person's main or only home and they may well intend to return to the property in question at the end of their sentence. In such circumstances we may wish to consider the qualifying relative's length of sentence and the likelihood of them returning to the property. Essentially the qualifying relative is occupying the property but is not physically present.

Example G - occupying a property when not physically present:

Matt is 60 years old and has been living overseas for the past 10 years due to his job in the diplomatic service. When he is in England, he lives at the family home where he grew up. His father Ken has been assessed as having eligible care and support needs that are best met by moving into a care home.

In Ken's financial assessment, the value of his property is disregarded as his son Matt is a qualifying relative that occupies the property as his main or only home. Although Matt is not physically present at the property at the point Ken moves into the care home, his alternative accommodation is only as a result of his employment and the family home is his main home.

- 24.7. We will need to take account of the individual circumstances of each case; however, it may be helpful to consider the following factors in making a decision:
- a) Does the relative currently occupy another property?
 - b) If the relative has somewhere else to live do they own or rent the property (i.e. how secure/permanent is it?)
 - c) If the relative is not physically present is there evidence of a firm intention to return to or live in the property?
 - d) Where does the relative pay council tax?
 - e) Where is the relative registered to vote?
 - f) Where is the relative registered with a doctor?
 - g) Are the relative's belongings located in the property?
 - h) Is there evidence that the relative has a physical connection with the property?
- 24.8. A property must be disregarded where the relative meets the qualifying conditions (i.e. is aged 60 or over or is incapacitated) and has occupied the property as their main or only home since before the resident entered the care home.

Example H- discretion to apply a property disregard:

Jayne has the early signs of dementia but wishes to continue living in her own home. She is not assessed as having eligible needs but would benefit from some occasional support. Her best friend Penny gives up her own home to move in with Jayne. At this point, there is no suggestion that Jayne may need care in a care home.

After 5 years Jayne's dementia has reached the point where she needs a far greater level of care and support and following an assessment it is agreed her needs would best be met in a care home. On moving into the care home, we use our discretion to apply the property disregard as this has now become Penny's main or only home.

25. Discretionary disregard

- 25.1. We may also use our discretion to apply the disregard in other circumstances. However, we will balance this discretion with ensuring a person's assets are not maintained at public expense. An example where it may be appropriate to apply the disregard is where it is the sole residence of someone who has given up their own home in order to care for the person who is now in a care home or is perhaps the elderly companion of the person.
- 25.2. A property may be disregarded when a qualifying relative moves into the property after the resident enters the care home. Where this happens, we will need to consider all the relevant factors in deciding whether the property must be disregarded. Factors such as the timing and purpose of the move may be relevant to establishing if the property is the relative's main or only home. The purpose of the disregard in these circumstances is to safeguard certain categories of people from the risk of homelessness.
- 25.3. We will consider if the principal reason for the move is that it is necessary to ensure the relative has somewhere to live as their main or only home. A disregard would not be appropriate, for example where a person moves into a property solely to protect the family inheritance. We need to ensure that people are not needlessly maintained at public expense. We will take account of the individual

circumstances of each case; considering the factors listed above for the mandatory disregard plus the following additional factors in making a decision:

- a) Was the relative occupying another property as their main or only home at the time of the previous financial assessment?
- b) Could the relative have reasonably expected to have the property taken into account at the time they moved into the property?
- c) Would failure to disregard the property result in the eligible relative becoming homeless?
- d) Would failure to disregard the property negatively impact on the eligible relative's own health and wellbeing?

Example I - discretion to apply a property disregard where the qualifying person moves into the property after the resident entered the care home:

Fred's family home is unoccupied because his father has died, and his mother is in a care home and Fred and his siblings have their own homes. The property is subject to a deferred payment agreement. Fred has a serious accident and becomes incapacitated. As a result, he is unable to work or pay for his existing home. He has nowhere else to live so he moves into the family home which becomes his only home. In the circumstances, we exercise our discretion to disregard the property.

Example J - discretion to apply a property disregard:

Hilda is 63 and lives in a rented flat. Her brother, Stephen, has recently died and his wife, Charlotte, has moved into a care home. The property is subject to a deferred payment agreement. Hilda suddenly loses her job and is unable to afford to live in her rented flat. Hilda moves into Stephen and Charlotte's house and this becomes her only home. In the circumstances, we exercise our discretion to disregard the property.

26. 12-week property disregard

26.1. An important aim of the charging framework is to prevent people being forced to sell their home at a time of crisis. The regulations under the Care Act therefore create space for people to make decisions as to how to meet their contribution to the cost of their eligible care needs. We will therefore disregard the value of a person's main or only home when the value of their non-housing assets is below the upper capital limit for 12 weeks in the following circumstances:

- a) When they first enter residential care as a permanent resident, whether or not the council is assisting with the cost of the placement;
- b) When a property disregard other than the 12-week property disregard unexpectedly ends, i.e. Because the qualifying relative has died or moved into a care home.

26.2. In addition, we have discretion to choose to apply the disregard when there is a sudden and unexpected change in the person's financial circumstances. In deciding whether to do so, we will consider the individual circumstances of the case. Such circumstances might include a fall in share prices or an unanticipated debt. An example is given below.

Example K - The end of a property disregard:

Win and Ern have been married for 60 years and bought a home together. 18 months ago, Win moved into residential care as a result of dementia. During her financial assessment, the value of the home she shared with Ern was disregarded as Ern is her husband, was over 60, and still lived in the property.

Ern has been in good health and there is no reason to anticipate a sudden change in circumstance. Unfortunately, Ern suffers a heart attack and passes away, leaving the property to Win. There is no longer an eligible person living in the property, meaning its value can now be taken into account in what Win can afford to contribute to the cost of her care. Given this was unplanned for, Win and her family need time to consider what the best option might be. The 12-week disregard would therefore be applied.

Example L - Unexpected change in financial circumstances:

Harry is a widower who owns his own home. 10 months ago, he moved into residential care as a self-funder. He has been meeting the bulk of his costs from shares he received as part of his redundancy package. Due to an unexpected event, the value of his shares is suddenly reduced by half, meaning he is unable to meet the cost of his care.

Although already in residential care and likely to remain responsible for paying for this care, Harry approaches us for assistance and to seek a deferred payment agreement. During the financial assessment we agree that the circumstances could not have been foreseen and use our discretion to disregard the value of his property for the first 12 weeks. This provides Harry with the space he needs to make arrangements for the deferred payment agreement to be put in place and enable him to continue to meet the cost of his care.

27. 26-week disregard

27.1. The following capital assets must be disregarded for at least 26 weeks in a financial assessment. However, we may choose to apply the disregard for longer where we consider this appropriate. For example, where a person is taking legal steps to occupy premises as their home, but the legal processes take more than 26 weeks to complete.

- a) Assets of any business owned or part-owned by the person in which they were a self-employed worker and have stopped work due to some disease or disablement but intend to take up work again when they are fit to do so. Where the person is in residential care, this should apply from the date they first took up residence.
- b) Money acquired specifically for repairs to or replacement of the person's home or personal possessions provided it is used for that purpose. This should apply from the date the funds were received.
- c) Premises which the person intends to occupy as their home where they have started legal proceedings to obtain possession. This should be from the date legal advice was first sought or proceedings first commenced.
- d) Premises which the person intends to occupy as their home where essential repairs or alterations are required. This should apply from the date the person takes action to effect the repairs.
- e) Capital received from the sale of a former home where the capital is to be used by the person to buy another home. This should apply from the date of completion of the sale.
- f) Money deposited with a Housing Association which is to be used by the person to purchase another home. This should apply from the date on which the money was deposited.

g) Grant made under a Housing Act which is to be used by the person to purchase a home or pay for repairs to make the home habitable. This should apply from the date the grant is received.

28. 52-week disregard

28.1. The following payments of capital must be disregarded for a maximum of 52 weeks from the date they are received.

a) The balance of any arrears of or any compensation due to non-payment of:

- (i) Mobility supplement
- (ii) Attendance Allowance
- (iii) Constant Attendance Allowance
- (iv) Disability Living Allowance/ Personal Independence Payment
- (v) Exceptionally Severe Disablement Allowance
- (vi) Severe Disablement Occupational Allowance
- (vii) Armed forces service pension based on need for attendance
- (viii) Pension under the Personal Injuries (Civilians) Scheme 1983, based on the need for attendance
- (ix) Income Support/Pension Credit
- (x) Minimum Income Guarantee
- (xi) Working Tax Credit
- (xii) Child Tax Credit
- (xiii) Housing Benefit
- (xiv) Special payments to pre-1973 war widows.

As the above payments will be paid for specific periods, they should be treated as income over the period for which they are payable. Any money left over after the period for which they are treated as income has elapsed, should be treated as capital.

b) Payments or refunds for:

- (i) NHS glasses, dental treatment or patient's travelling expenses;
- (ii) Cash equivalent of free milk and vitamins;
- (iii) Expenses in connection with prison visits.

c) Personal Injury Payments

Example M - A disregard for 52 weeks:

During his financial assessment it is identified that Colin is eligible for Pension Credit but is not currently claiming the support. He is therefore assessed as being able to pay £75 per week towards the cost of his care.

Colin tells us that he will apply for Pension Credit. It is explained to him that the level of what he can afford to contribute will be reassessed once he started receiving the additional support. If the payments are backdated, his contributions to the cost of his care will also be backdated and he may therefore need to make an additional payment to meet any arrears. Colin therefore chooses to pay £90 per week.

After six weeks, arrears of Pension Credit at £35 per week (£210) are received. What Colin can afford to contribute is reassessed and he is now asked to pay £110 per week. As Colin has been paying £15 a week more than required, he only owes £120 rather than the full £210 of Pension Credit arrears. The remaining £90 of arrears payments should therefore be treated as capital and disregarded.

29. 2-year disregard

29.1. We will disregard payments made under a trust established out of funds by the Secretary of State for Health in respect of CJD to:

- a) The victim's parent (or guardian) for 2 years from the date of death of the victim (or from the date of payment from the trust if later); or
- b) A dependent child or young person until they turn 18.

30. Other disregards

30.1. In some cases a person's assets may be tied up in a business that they own or part-own. Where a person is taking steps to realise their share of the assets, these should be disregarded during the process. However, the person should be required to show that it is their clear intention to realise the asset as soon as practicable.

30.2. In order to show their intent, we will request the following information:

- a) A description of the nature of the business asset;
- b) The person's estimate of the length of time necessary to realise the asset or their share of it;
- c) A statement of what, if any, steps have been taken to realise the asset, what these were and what is intended in the near future; and
- d) Any other relevant evidence, for example the person's health, receivership, liquidation, estate agent's confirmation of placing any property on the market.

30.3. Where the person has provided this information to show that steps are being taken to realise the value of the asset, we will disregard the value for a period that we consider to be reasonable. In deciding what is reasonable we will take into account the length of time of any legal processes that may be needed.

30.4. Where the person has no immediate intention of attempting to realise the business asset, its capital value should be taken into account in the financial assessment. Where a business is jointly owned, this should apply only to the person's share.

31. Treatment of investment bonds

31.1. The treatment of investment bonds is currently complex. This is in part because of the differing products that are on offer. As such, we may wish to seek advice from our legal service.

31.2. Where an investment bond includes one or more elements of life insurance policies that contain cashing-in rights by way of options for total or partial surrender, then the value of those rights must be disregarded as a capital asset in the financial assessment.

32. Capital treated as income

32.1. The following capital payments should be treated as income. We will therefore consider Annex C on the 'Treatment of Income' before conducting an assessment:

- a) Any payment under an annuity.
- b) Capital paid by instalment where the total of:
 - (i) The instalments outstanding at the time the person first becomes liable to pay for their care, or in the case of a person in temporary care whom we had previously decided not to charge, the first day on which we decided to charge; and
 - (ii) The amount of other capital held by the resident is over £16,000. If it is £16,000 or less, each instalment will be treated as capital.

33. Earnings

33.1. Any income of the person derived from employment must be treated as earnings and not taken into account in the financial assessment.

34. Income treated as capital

34.1. The following types of income will be treated as capital:

- a) Any refund of income tax charged on profits of a business or earnings of an employed earner; any holiday pay payable by an employer more than 4 weeks after the termination or interruption of employment;
- b) Any holiday pay payable by an employer more than 4 weeks after the termination or interruption of employment;
- c) Income derived from a capital asset, for example, building society interest or dividends from shares. This will be treated as capital from the date it is normally due to be paid to the person. This does not apply to income from certain disregarded capital;
- d) Any bounty payment paid at intervals of at least one year from employment as:
 - (i) A part time fireman
 - (ii) An auxiliary coastguard
 - (iii) A part time lifeboat man
 - (iv) A member of the territorial or reserve forces.
- e) Any advance of earnings or loan made to an employed earner by the employer if the person is still in work. This is as the payment does not form part of the employee's regular income and would have to be repaid;
- f) Charitable and voluntary payments which are neither made regularly nor due to be made regularly, apart from certain exemptions such as payments from AIDS trusts. Payments will include those made by a third party to the person to support the clearing of charges for residential accommodation;
- g) Any payments of arrears of contributions by us or another local authority to a custodian towards the cost of accommodation and maintenance of a child.

35. Capital available on application

35.1. In some instances, a person may need to apply for access to capital assets but has not yet done so. In such circumstances this capital should be treated as already belonging to the person except in the following instances:

- a) Capital held in a discretionary trust;
- b) Capital held in a trust derived from a payment in consequence of a personal injury;
- c) Capital derived from an award of damages for personal injury which is administered by a court;
- d) Any loan which could be raised against a capital asset which is disregarded, for example the home.

35.2. We will distinguish between:

a) Capital already owned by the person but which in order to access they must make an application for.
For example:

- (i) Money held by the person's solicitor;
- (ii) Premium Bonds;
- (iii) National Savings Certificates;
- (iv) Money held by the Registrar of a County Court which will be released on application; and

b) Capital not owned by the person that will become theirs on application, for example an unclaimed Premium Bond win. This should be treated as notional capital.

35.3. Where we treat capital available on application as notional capital, we will do so only from the date at which it could be acquired by the person.

35.4. April 2015 saw much greater flexibility introduced regarding how people can access their defined contribution pensions, including enabling them to access their full pension pot. As a result, when applying notional income to a defined contribution pension this will be calculated as the maximum income that could be available if the person had taken out an annuity.

Income

This annex covers:

The treatment of income when conducting a financial assessment in all circumstances. This is divided into:

- *Care homes*
- *All other settings.*

The purpose of this annex is to provide detailed guidance on how to apply to the Care and Support (Assessment of Resources) Regulations 2014, in terms of how to treat different types of income when calculating what a person can afford to contribute to the cost of their eligible care needs.

36. Treatment of Income

- 36.1. This section of the guidance only applies where we have chosen to charge a person for the services we are arranging and therefore we must undertake a financial assessment. When doing so, we must assess the income and capital of the person.
- 36.2. There are differences in how income is treated in a care home and in all other settings. Charging a person in a care home is provided for in a consistent national framework, set out in this policy. When charging a person in all other settings, we have more discretion.
- 36.3. This annex covers the treatment of income and should be read in conjunction with Annex B on the treatment of capital. The detail of the sources of income which we must disregard are set out in the regulations which accompany this guidance.

37. Common issues for all care settings

- 37.1. Only the income of the cared-for person can be taken into account in the financial assessment of what they can afford to pay for their care and support. Where a cared-for person receives income as one of a couple the starting presumption is that the cared-for person has an equal share of the income. We will also consider the implications for the cared-for person's partner.
- 37.2. Income is net of any tax or National Insurance contributions.
- 37.3. Income will always be taken into account unless it is disregarded under the regulations. Income that is disregarded will either be:
- a) Partially disregarded: or
 - b) Fully disregarded.
- 37.4. In all cases, irrespective of setting, employed and self-employed earnings are fully disregarded.
- 37.5. Earnings in relation to an employed earner are any remuneration or profit from employment. This will include:

- a) any bonus or commission;
- b) any payment in lieu of remuneration except any periodic sum paid to the person on account of the termination of their employment by reason of redundancy;
- c) any payments in lieu of notice, or any lump sum payment intended as compensation for the loss of employment but only in so far as it represents loss of income;
- d) any holiday pay except any payable more than four weeks after the termination or interruption of employment;
- e) any payment by way of a retainer;
- f) any payment made by the person's employer in respect of any expenses not wholly, exclusively and necessarily incurred in the performance of the duties of employment, including any payment made by the person's employer in respect of travelling expenses incurred by the person between their home and the place of employment and expenses incurred by the person under arrangements made for the care of a member of the person's family owing to the person's absence from home;
- g) any award of compensation made under section 112(4) or 117(3)(a) of the Employment Rights Act 1996 (remedies and compensation for unfair dismissal);
- h) any such sum as is referred to in section 112 of the Social Security Contributions and Benefits Act 1992 (certain sums to be earnings for social security purposes);
- i) any statutory sick pay, statutory maternity pay, statutory paternity pay or statutory adoption pay, or a corresponding payment under any enactment having effect in Northern Ireland;
- j) any remuneration paid by or on behalf of an employer to the person who for the time being is on maternity leave, paternity leave or adoption leave or is absent from work because of illness;
- k) the amount of any payment by way of a non-cash voucher which has been taken into account in the computation of a person's earnings in accordance with Part 5 of Schedule 3 to the Social Security (Contributions) Regulations 2001.

37.6. Earnings in relation to an employed earner do not include:

- a) any payment in kind, with the exception of any non-cash voucher which has been taken into account in the computation of the person's earnings – as referred to above;
- b) any payment made by an employer for expenses wholly, exclusively and necessarily incurred in the performance of the duties of the employment;
- c) any occupational/personal pension.

37.7. Earnings in the case of employment as a self-employed earner mean the gross receipts of the employment. This includes any allowance paid under section 2 of the Employment and Training Act 1973 or section 2 of the Enterprise and New Towns (Scotland) Act 1990 to the person for the purpose of assisting the person in carrying on his business.

37.8. Earnings in the case of employment as a self-employed earner do not include:

- a) any payment to the person by way of a charge for board and lodging accommodation provided by the person;
- b) any sports award.

37.9. Earnings also include any payment provided to prisoners to encourage and reward their constructive participation in the regime of the establishment, this may include payment for working, education or participation in other related activities.

38. Benefits

38.1. Alongside the financial assessment, we aim to offer every person free advice to help them claim all of the benefits they are entitled to. We will take most of the benefits that people receive into account. The benefits we will disregard are listed below. We will ensure that in addition to the minimum guaranteed income, or personal expenses allowance, people retain enough of their benefits to pay for things that meet needs that are not being met by Dorset.

38.2. We will disregard any income from the following sources:

- a) Direct payments;
- b) Guaranteed Income Payments made to veterans under the Armed Forces Compensation Scheme;
- c) The mobility component of Disability Living Allowance and the mobility component of Personal Independence Payments.

38.3. The following benefits will be taken fully into account when considering what a person can afford to pay towards their care from their income:

- a) Attendance Allowance, including Constant Attendance Allowance and Exceptionally Severe Disablement Allowance
- b) Bereavement Allowance
- c) Carer's Allowance
- d) Disability Living Allowance (care component)
- e) Employment and Support Allowance or the benefits this replaces such as Severe Disablement Allowance and Incapacity Benefit
- f) Income Support
- g) Industrial Injuries Disablement Benefit or equivalent benefits
- h) Jobseeker's Allowance
- i) Maternity Allowance
- j) Pension Credit
- k) Personal Independence Payments
- l) State Pension
- m) Universal Credit

38.4. Working Tax Credit will be taken into account when considering what a person can afford to pay from their income towards the cost of their care in a care home. However, it will be disregarded in the calculation of income for care and support arranged other than in a care home.

38.5. Where any Social Security benefit payment has been reduced (other than a reduction because of voluntary unemployment), for example because of an earlier overpayment, the amount taken into account should be the gross amount of the benefit before reduction.

39. Annuity and pension income

39.1. An annuity is a pension product that provides a regular income for a number of years in return for an investment. Such products are usually purchased at retirement in order to provide a regular income. While the capital is disregarded, any income from an annuity must be taken fully into account except where it is:

- a) Purchased with a loan secured on the person's main or only home; or
 - b) A gallantry award such as the Victoria Cross Annuity or George Cross Annuity.
- 39.2. For those who have purchased an annuity with a loan secured on their main or only home, this is known as a 'home income plan'. Under these schemes, a person has purchased the annuity against the value of their home – similarly to a deferred payment agreement.
- 39.3. Where a person is in a care home and paying half of their occupational pension, personal pension or retirement annuity to their spouse or civil partner, we will disregard 50% of its value.
- 39.4. In order to qualify for the disregard, one of the annuitants must still be occupying the property as their main or only home. This may happen where a couple have jointly purchased an annuity and only one of them has moved into a care home. If this is not the case, the disregard must not be applied.
- 39.5. Where the disregard is applied, only the following aspects may be disregarded:
- a) The net weekly interest on the loan where income tax is deductible from the interest; or
 - b) The gross weekly interest on the loan in any other case.
- 39.6. Before applying the disregard, the following conditions must be met:
- a) The loan must have been made as part of a scheme that required that at least 90% of that loan be used to purchase the annuity;
 - b) The annuity ends with the life of the person who obtained the loan, or where there are two or more annuitants (including the person who obtained the loan), with the life of the last surviving annuitant;
 - c) The person who obtained the loan or one of the other annuitants is liable to pay the interest on the loan;
 - d) The person who obtained the loan (or each of the annuitants where there are more than one) must have reached the age of 65 at the time the loan was made;
 - e) The loan was secured on a property in Great Britain and the person who obtained the loan (or one of the other annuitants) owns an estate or interest in that property; and
 - f) The person who obtained the loan or one of the other annuitants occupies the property as their main or only home at the time the interest is paid.
- 39.7. Where the person is using part of the income to repay the loan, the amount paid as interest will be disregarded. If the payments the person makes on the loan are interest only and the person qualifies for tax relief on the interest they pay, we will disregard the net interest. Otherwise, we will disregard the gross interest.
- 39.8. Reforms to defined contribution pensions come into effect from April 2015. The aim of the reforms is to provide people with much greater flexibility in how they fund later life. This may lead to changes in how people use the money in their pension fund. The rules for how we will assess pension income for the purposes of charging are:
- a) If a person has removed the funds and placed them in another product or savings account, they will be treated according to the rules for that product;
 - b) If a person is only drawing a minimal income, or choosing not to draw income, then we may apply notional income. This will be the maximum income that could be drawn under an annuity product. If we apply maximum notional income, the actual income will be disregarded to avoid double counting.

- c) If a person is drawing down an income that is higher than the maximum available under an annuity product, the actual income that is being drawn down will be taken into account.

40. Mortgage protection insurance policies

- 40.1. We will usually take into account any income from an insurance policy. In the case of mortgage protection policies where the income is specifically intended to support the person to acquire or retain an interest in their main or only home or to support them to make repairs or improvements to their main or only home it will be disregarded. However, the income must be being used to meet the repayments on the loan.
- 40.2. The amount of income from a mortgage protection insurance policy that will be disregarded is the weekly sum of:
- a) The amount which covers the interest on the loan; plus
 - b) The amount of the repayment which reduced the capital outstanding; plus
 - c) The amount of the premium due on the policy.
- 40.3. It should be remembered that Income Support and Pension Credit may be adjusted to take account of the income from the policy.

41. Other income that will be fully disregarded

- 41.1. Any income from the following sources will be fully disregarded:
- a) Armed Forces Independence Payments and Mobility Supplement;
 - b) Child Support Maintenance Payments and Child Benefit, except where the accommodation is arranged under the Care Act in which the adult and child both live;
 - c) Child Tax Credit
 - d) Council Tax Reduction Schemes where this involves a payment to the person;
 - e) Disability Living Allowance (Mobility Component) and Mobility Supplement
 - f) Christmas bonus
 - g) Dependency increases paid with certain benefits
 - h) Discretionary Trust
 - i) Gallantry Awards
 - j) Guardian's Allowance
 - k) Guaranteed Income Payments made to Veterans under the Armed Forces Compensation Scheme
 - l) Income frozen abroad
 - m) Income in kind
 - n) Pensioners' Christmas payments
 - o) Personal Independence Payment (Mobility Component) and Mobility Supplement
 - p) Personal injury trust, including those administered by a Court
 - q) Resettlement benefit
 - r) Savings credit disregard
 - s) Social Fund payments (including winter fuel payments)
 - t) War widow and widowers' special payments
 - u) Any payments received as a holder of the Victoria Cross, George Cross, or equivalent

- v) Any grants or loans paid for the purposes of education; and
- w) Payments made in relation to training for employment
- x) Any payment from the:
 - (i) Macfarlane Trust
 - (ii) Macfarlane (Special Payments) Trust
 - (iii) Macfarlane (Special Payment) (No 2) Trust
 - (iv) Caxton Foundation
 - (v) Fund (payments to non-haemophiliacs infected with HIV)
 - (vi) Eileen Trust
 - (vii) MFET Limited
 - (viii) Independent Living Fund (2006)
 - (ix) Skipton Fund
 - (x) London Bombings Relief Charitable Fund.

42. Savings Credit

- 42.1. For people receiving care and support other than in a care home, the savings credit the adult receives should be fully disregarded.

43. Charitable and voluntary payments

- 43.1. Charitable payments are not necessarily made by recognised charities but could come from charitable motives. The individual circumstances of the payment will be taken into account before making a decision. In general, a charitable or voluntary payment which is not made regularly is treated as capital.
- 43.2. Charitable and voluntary payments that are made regularly are fully disregarded.

44. Partially disregarded income

The following income is partially disregarded:

- 44.1. The first £10 per week of War Widows and War Widowers pension, survivor's Guaranteed Income Payments from the Armed Forces Compensation Scheme, Civilian War Injury pension, War Disablement pension and payments to victims of National Socialist persecution (paid under German or Austrian law).
- 44.2. A savings disregard based on qualifying is made to people as follows:
- a) For individuals:
 - (i) Where a person is in receipt of qualifying income of less than the weekly pension age entitlement to Pension Credit there will be no savings disregard made.
 - (ii) Where a person is in receipt of qualifying income between the lower weekly pension credit entitlement and the upper weekly pension credit entitlement the savings credit disregard is made, which will equal the actual amount of the savings credit received or a sum as set annually by the Department of Health and Social Care, whichever is less.
 - (iii) Where a person is in receipt of qualifying income in excess of the upper weekly pension credit entitlement, and a savings credit reward is in payment, a flat rate savings disregard as determined

annually by the Department of Health and Social Care will be made irrespective of how much the savings credit payment is.

- (iv) Where a person has qualifying income above the limit for receiving a savings credit reward a flat rate savings disregard as determined annually by the Department of Health and Social Care is made.

b) For couples

- (i) Where a person is part of a couple (including a civil partnership) and is in receipt of qualifying income of less than the couple's basic weekly pension credit entitlement there will be no savings disregard made.
- (ii) Where a person who is part of a couple (including a civil partnership) and is in receipt of qualifying income between the lower weekly pension credit rate and the upper weekly pension credit rate the savings disregard will be made, which will equal the actual amount of the savings credit received, or a sum set annually by the Department of Health and Social Care, whichever is less.
- (iii) Where a person who is part of a couple (including a civil partnership) and is in receipt of qualifying income in excess of the upper weekly pension credit rate, and a savings credit reward is in payment, a flat rate savings disregard of a sum set annually by the Department of Health and Social Care will be made irrespective of how much the savings credit payment is.
- (iv) Where a person who is part of a couple (including a civil partnership) and has qualifying income above the upper weekly pension credit limit depending on their individual circumstances a flat rate savings disregard as determined by the Department of Health and Social Care annually is made.
- (v) The annual Minimum Income Guarantee rates are set annually by the Department of Health and Social Care. They are based on standard rates of pension credit and income support and are increased where individuals and couples qualify as severely disabled, or as carers, because of receipt of qualifying benefits.

45. Notional income

- 45.1. In some circumstances a person may be treated as having income that they do not actually have. This is known as 'notional income'. This might include for example income that would be available on application but has not been applied for, income that is due but has not been received or income that the person has deliberately deprived themselves of for the purpose of reducing the amount they are liable to pay for their care. See our policy 'Deprivation of Assets' for further guidance. In all cases we will satisfy ourselves that the income would or should have been available to the person.
- 45.2. Notional income will also be applied where a person has reached retirement age and has a personal pension plan but has not purchased an annuity or arranged to draw down the maximum income available from the plan. Estimates of the notional income will be sought received from the pension provider or the Government Actuary.
- 45.3. Where notional income is included in a financial assessment, it will be treated the same way as actual income. Therefore, any income that would usually be disregarded will continue to be.

Example N - Notional income:

Andrew is 70 and is living in a care home. He has not been receiving his occupational pension which he would have been entitled to from age 65. After contacting his former employer, they state Andrew will be paid the entire pension due from age 65. The local authority can therefore apply notional income from age 65.

45.4. Notional income will be calculated from the date it could be expected to be acquired if an application had been made. In doing so, we will assume the application was made when it first became aware of the possibility and take account of any time limits which may limit the period of arrears.

Example O - Notional income in relation to new pension flexibilities:

Ben has a pension fund worth £30,000. he has taken the opportunity to access this flexibly and as a result is only drawing down £5 a week as income at the point he begins to receive care and support.

The equivalent maximum annuity income would be £120 per week. For the purpose of the financial assessment, we can assume an income of £120 per week.

45.5. However, there are some exemptions and the following sources of income will not be treated as notional income:

- a) Income payable under a discretionary trust;
- b) Income payable under a trust derived from a payment made as a result of a personal injury where the income would be available but has not yet been applied for;
- c) Income from capital resulting from an award of damages for personal injury that is administered by a court;
- d) Occupational pension which is not being paid because:
 - (i) The trustees or managers of the scheme have suspended or ceased payments due to an insufficiency of resources; or
 - (ii) The trustees or managers of the scheme have insufficient resources available to them to meet the scheme's liabilities in full
- e) Working Tax Credit

45.6. The council expects a person to claim their full entitlement to welfare benefits in order to maximise their income. If the person chooses not to maximise their income by claiming all of the benefits they are likely to be entitled to, then we may include the benefit income they are expected to be entitled to receive as notional income in the financial assessment, and the person's charge may increase, even though they are not actually receiving the benefit.

46. Backdated Financial Assessments

46.1. Once we have completed a financial assessment, it is the responsibility of the person or their authorised representative to inform us of any changes in their income. If we subsequently become aware of changes to a person's income that we were not informed about, we may backdate the financial assessment to include the change. This includes, for example, where the person stops receiving Disability Living Allowance (DLA) and applies for Personal Independence Payment (PIP).

46.2. Under previous legislation, where a person was in receipt of DLA, but was not in receipt of night-time services from the council, then the night-time element of DLA was disregarded in the financial assessment. Following the implementation of the Care Act 2014, the rules changed and both DLA and PIP are now included in full in the financial assessment. PIP is no longer split into day and night-time elements. Dorset Council made the decision to only amend the statutory disregard from the point of the changeover from DLA to PIP, to ensure that people receiving the same benefit are not treated

differently. However, we will amend the person's financial assessment when they begin to receive PIP and we will remove the statutory disregard at that point.

47. Support for Mortgage Interest loans

- 47.1. Following changes to Department for Work & Pensions (DWP) rules regarding payment of mortgage interest, some people are entitled to apply for financial assistance with their mortgage in the form of a Support for Mortgage Interest (SMI) loan. Under a SMI loan agreement the mortgage interest is paid and recovered by the DWP from the sale of the property later.
- 47.2. The council expects people to apply for a Support for Mortgage Interest loan where they may be entitled to do so, either themselves or via their legal representative. Where a person is acting as a Court-Appointed Deputy, we expect them to ask the Court for permission to apply for a SMI loan, and to do so if permission is granted. Only on receipt of evidence that an application for the SMI loan has been made and declined, will we consider making an allowance in the financial assessment for a mortgage payment.

48. Payment of Existing Debts

- 48.1. No allowance will be made in the financial assessment for existing debts.

49. Disability-related expenditure

- 49.1. Where disability-related benefits may be taken into account under the Regulations, we will make an individual assessment and allow the person to keep enough benefit to pay for necessary disability-related expenditure to meet any needs which are not being met by us.
- 49.2. In assessing disability-related expenditure, we will include the following:
- a) Payment for any community alarm system.
 - b) The costs of any privately arranged care services required, including respite care.
 - c) The costs of any specialist items needed to meet the person's disability needs, for example:
 - d) day or night care which is not being arranged by us;
 - (i) specialist washing powders or laundry;
 - (ii) additional costs of special dietary needs due to illness or disability (the person may be asked for permission to approach their GP in cases of doubt). However, we will not usually allow the costs of diabetic and coeliac diets if these are not required to meet the person's disability needs. And where we use our discretion to allow the costs associated with these diets, we may not consider it necessary to meet them in full and we may restrict the allowance to staple food items. For example, flour, pasta and bread for a coeliac diet;
 - (iii) special clothing or footwear, for example, where this needs to be specially made; or additional wear and tear to clothing and footwear caused by disability. Where we make an allowance it will only be for clothing and footwear needs that are additional and we will price those needs on the basis of the cheapest serviceable options available;

- (iv) additional costs of bedding, for example, because of incontinence. Where we make an allowance, it will be for costs that are in addition to normal household expenditure and we will calculate the costs on the basis of the cheapest serviceable options available;
 - (v) any heating costs, or metered costs of water, above the average levels for the area and housing type, occasioned by age, medical condition or disability;
- e) reasonable costs of basic garden maintenance, cleaning, or domestic help, if necessitated by the individual's disability and not met by social services;
 - f) purchase, maintenance, and repair of disability-related equipment, including equipment or transport needed to enter or remain in work; this may include IT costs, where necessitated by the disability; reasonable hire costs of equipment may be included, if due to waiting for supply of equipment from a local authority;
 - g) personal assistance costs, including any household or other necessary costs arising for the person;
 - h) internet access. For example, for blind and partially sighted people;
- (i) other transport costs necessitated by illness or disability, including costs of transport to day centres, over and above the mobility component of DLA or PIP, if in payment and available for these costs. In some cases, it may be reasonable for us not to take account of claimed transport costs – if, for example, a suitable, cheaper form of transport, e.g. council-provided transport to day centres is available but has not been used. We will usually consider transport for daily living and general medical appointments as normal expenditure;
 - (ii) in other cases, it may be reasonable for us not to allow for items where a reasonable alternative is available at lesser cost. For example, we would not allow for the private purchase cost of continence pads, where these are available from the NHS.
- i) Specialist support costs during a holiday. Holidays are a choice for everyone so the cost of an annual holiday will not be considered as DRE. However, where specialist support has to be provided, these costs will be considered as DRE allowance.
 - j) Personal assistance costs, including any household or other necessary costs arising for the person
 - k) Exercise is a choice but where it is required for health needs there are usually options available for free rather than activities which have to be paid for e.g. gym, swimming etc. No allowance will be considered for health and fitness unless it is clear that those needs could not be met via activities which are free. Where there is no free option available, then we will calculate the costs on the basis of the cheapest serviceable options available;
 - l) Costs incurred for personal assistance dogs

Example P - Disability-related expenditure

Zach is visually impaired and describes the internet as a portal into the seeing world. For example, he explains that if a sighted person wants to access information they can go to a library, pick up a book or buy a magazine that provides them with the information they need.

The internet is also a portal into shopping. For example, without the internet if Zach wanted to shop, he would have to wait until a friend or family member could accompany him on a trip out. He would be held by their schedule and they would have to explain what goods were on offer, and what an item looked like.

A sighted person would be able to go into a shop when their schedule suits and consider what purchase to make on their own. The internet provides Zach with the freedom and independence to do these things on his own.

- 49.3. The care plan completed by a social work professional will be used as the starting point for considering what is necessary disability-related expenditure. However, DRE will not be limited to what is necessary for care and support. When else would we consider it?
- 49.4. The council takes into account the standard Disability-Related-Expenditure allowances for equipment, heating and metered water as calculated annually by the National Association of Financial Assessment Officers (NAFAO) and set out in Dorset Council's annual 'DRE Guidelines' document.

50. Personal expenses allowance in care homes

- 50.1. We must leave the person with a minimum amount of income. This is known as the Personal Expenses Allowance (PEA) and the amount is set annually by the Department of Health and Social Care and updates sent via a local authority circular. Anything above this may be taken into account in determining charges.
- 50.2. The PEA is not a benefit but the amount of a person's own income that they should be left with after charges have been deducted. However, where a person has no income, we are not responsible for providing one. However, we should support the person to access any relevant state benefits or independent advocacy service.
- 50.3. The purpose of the PEA is to ensure that a person has money to spend as they wish. It must not be used to cover any aspect of their care and support that we have contracted for and/or assessed as necessary to meet the person's eligible needs. This money is for the person to spend as they wish and any pressure from us or a provider to do otherwise is not permitted.
- 50.4. There may be some circumstances where it would not be appropriate for us to leave a person only with the personal expenses allowance after charges. For example:
- a) Where a person has a dependent child we will consider the needs of the child in determining how much income a person should be left with after charges. This applies whether the child is living with the person or not.
 - b) Where a person is paying half their occupational or personal pension or retirement annuity to a spouse or civil partner who is not living in the same care home, we will disregard this money. This does not automatically apply to unmarried couples although we may exercise our discretion in individual cases.
 - c) Where a person is temporarily in a care home and is a member of a couple – whether married or unmarried – we will disregard any Income Support or Pension Credit awarded to pay for home commitments. We will also consider disregarding other costs related to maintain the couple's home (see below).
 - d) Where a person's property has been disregarded, we will consider whether the PEA is enough to enable the person to meet any resultant costs. For example, allowances should be made for fixed payments (like mortgages, rent and Council Tax), building insurance, utility costs (gas, electricity and water, including basic heating during the winter) and reasonable property maintenance costs.
 - e) Where a person's situation has changed so that they are now supported by us and they have a deferred payment arrangement in place, we will ensure they have sufficient resources to maintain and insure the property in accordance with the disposable income allowance.

51. All other settings

- 51.1. As all earnings will be disregarded, this leaves other sources of income such as benefits, pensions and payments from other products.

52. Minimum income guarantee

- 52.1. We will ensure that a person is left with a minimum level of income after charges have been deducted. The amounts are set out in the Care and Support (Charging and Assessment of Resources) Regulations annual Local Authority Circular. This approach will maintain consistency between the charging framework and established income protections under the income support rules.
- 52.2. The purpose of the minimum income guarantee is to promote independence and social inclusion and ensure that people have enough funds to meet basic needs such as purchasing food, utilities costs and insurance. This will be after any housing costs such as rent and council tax (net of any benefits to support meeting these costs) and any disability related expenditure.
- 52.3. Where a non-dependent adult who is receiving services from the local authority is living with a family member e.g. with parents or with adult children in their home, the service user does not normally have any legal responsibility towards payments of the rent or council tax on the property in which they live. However, Dorset Council accepts that those people will be expected to contribute towards rent and council tax payments for the property in which they live. Allowances will be made in the financial assessment for rent and council tax contributions in line with the 'non-dependant deduction' applied for Housing Benefit and Council Tax Support purposes. These rates are set by central Government annually and are detailed in Dorset Council's annual 'DRE Guidelines' document. Any additional contribution(s) towards rent and council tax made between the service user and their family member should be met from the MIG.
- 52.4. Separate guidance applies when determining an appropriate contribution from income under a deferred payment agreement.

53. Appeals Process

The Care Act 2014 gives you access to a statutory complaints' procedure.

However, if you simply wish to appeal against a decision we have made about your financial assessment, or your charges for care, because you think we have made a mistake, then we encourage you to use our fast-track appeal process in the first instance.

You will find it quicker and easier to make an appeal – and you still have the option of using the statutory complaints procedure later, if you are not satisfied with the outcome of your appeal. Both the fast-track appeal process and the statutory complaints procedure will mean that the decision(s) we have made are reviewed by senior members of staff.

You can access our fast-track appeal process [here](#).

You can access the statutory complaints procedure [here](#)

Document control	
Policy lead	Steve Hedges, Service Manager for Finance (Adults & Housing)
Author	Chris Watkins, Financial Support Manager
Original date issued	15 July 2015
Review date	The policy will be reviewed annually as part of the budget setting process.

People and Health Overview Committee 14 December 2020 Equality, Diversity and Inclusion: Draft Strategy and Action Plan

Choose an item.

Portfolio Holder: Cllr P Wharf, Corporate Development and Change

Local Councillor(s): All

Executive Director: [M Prosser, Chief Executive](#)

Report Author: Becky Forrester

Title: Business Partner – Policy, Research and Performance

Tel: 01305 224821

Email: rebecca.forrester@dorsetcouncil.gov.uk

Report Status: [Public](#)

Recommendation:

- That Cabinet adopt the draft equality, diversity and inclusion strategy and action plan (attached at appendix 1);
- Note the findings of the public consultation; and
- Note the timetable for decision-making by Cabinet in January 2021.

Reason for Recommendation:

As a public body, we have both a legal and a moral duty to promote equality, diversity and inclusion.

1. Executive Summary

Dorset Council has worked on a number of projects to understand and advance equality, diversity and inclusion since its inception in April 2019. These include internal activities that relate to the council as an employer; and external services that we deliver to individuals and communities. These include the Stonewall Workplace Equality Index, the Gender Pay Gap Trailblazer work with Unison, the Syrian Resettlement Programme, the co-production of services in Children's Services and an assessment into the impact of COVID-19 on Dorset's most vulnerable communities.

While there have been pockets of positive activity, the new council has not yet agreed a vision in relation to EDI; or reached out to partners to establish this as part of its culture and how it hopes to work with partners and communities in future.

During the consultation it was suggested that equality, diversity and inclusion lost visibility as a result of local government reorganisation, and that opportunities to show commitment and leadership were missed. The strategy and action plan brings together the council's activities on equality, diversity and inclusion; puts them into a nationally recognised structure and starts building a performance framework by which progress can be measured.

It is hoped that, by working with partners, and voluntary and community organisations; the strategy and action plan will move beyond a series of initiatives and act as a catalyst for wider cultural change.

2. Financial Implications

None in relation to this report.

3. Well-being and Health Implications

The need for an EDI strategy and action plan was given greater urgency as a result of the pandemic, where evidence has shown that COVID-19 does not affect all population groups equally. Many analyses have shown that older age, deprivation, ethnicity, males and geographical areas are associated with a greater risk of infection and mortality.

4. Climate implications

None in relation to this report.

5. Other Implications

None in relation to this report.

6. Risk Assessment

Having considered the risks associated with this decision, the level of risk has been identified as:

Current Risk: Low

Residual Risk: Low

7. Equalities Impact Assessment (EqIA)

The draft EqIA is attached at appendix 2. The purpose of the strategy and action plan is to improve the council's work on equality, diversity and inclusion.

8. Appendices

- i. Equality, diversity and inclusion draft strategy and action plan
- ii. Draft EqIA

9. Background and pre-consultation activity

9.1 Three pre-consultation meetings were held to inform the draft documents and contribute towards the formal consultation process. The consultees included the Trades Unions, employees, and partner organisations, including Dorset Race Equality Council, Dorset & Wiltshire Deaf Association, Dorset Polish Centre, Dorset Mental Health Forum, Help and Kindness and others.

9.2 Pre consultation comments included:

"If organisations don't proactively, willingly and deliberately include, they automatically exclude" (voluntary organisation)

"Equality, diversity and inclusion lost visibility during local government re-organisation, and the council missed some opportunities to speak up, like over the Black Lives Matter movement" (employee comment).

This message also came up in initial conversations with voluntary sector representatives, one of whom said *"there's been an absence of reflective practice and honesty by the council"*. On the topic of the council being relatively new, one Trade Union colleague said:

"The new council can set an example – a good way of doing that would be to adopt gender-neutral language".

9.3 The pre-consultation meetings indicated a clear desire amongst voluntary and community sector organisations, employees and partners for the council, to show strong and sustained leadership around EDI and to work with others in doing so. As one voluntary organisation said *'equality doesn't end with legal compliance. It's an ongoing journey, and we want to be on it together'*.

10. Consultation findings

- 10.1 61 responses were received to the written consultation. The responses showed that:
- 29% of respondents felt the council addresses EDI well or very well at present
 - 56% felt the draft strategy was a good document to guide the council's actions in future
 - 54% of respondents agreed that the action plan was a good document to guide the council's actions in the future
- 10.2 In addition to the written consultation, officers had more detailed consultation meetings with voluntary and community organisations and the Trades Unions. Many helpful additions were suggested for the action plan, including:
- Refer to Project Weymouth and Portland that is currently being researched (several comments were made about poverty and housing in Weymouth and Portland)
 - Work with the Trades Unions to promote EDI training opportunities
 - Look for equality champions amongst employees whose work isn't computer-based (cleaners, rangers, wardens etc)
 - Look at complaints data to understand EDI complaints
 - Undertake regular employee surveys to review how well the council is implementing the strategy and action plan
 - Continue to ask voluntary and community organisations how they think the council is doing on EDI (essentially using this consultation as a benchmark and a monitoring process)
 - Work with commissioning and procurement to ensure local suppliers are considering EDI issues
- 10.3 Several people commented that the action plan was too high level and not SMART (specific, measurable, achievable, realistic and time-limited). This was a conscious decision, as explained in the consultation document, and a more detailed action plan will be developed in conjunction with the portfolio holder and officers once cabinet has adopted the strategy and this high-level action plan; this will be approved by cabinet, delivered and developed by officers and an annual report will be reported to cabinet.
- 10.4 Some suggestions were made that haven't been included in the action plan, specifically:

- Introduce mandatory training in schools and colleges (omitted because schools are independent of the council - similar suggestions were made relating to visitors, town and parish councils and private sector businesses which were omitted for the same reason).
 - Just stop doing it altogether (rejected because we have a legal and moral duty to do it, and there was clearly a very strong appetite for the council to do more rather than less).
 - Weymouth needs to be smartened up, the area by the train station looks shoddy and run down (omitted because it's outside of the scope of this work).
 - Make EDI training mandatory (omitted because it is already).
 - Contradictory statements (too many actions in the action plan and not enough actions).
- 10.5 Perhaps inevitably, many of the suggestions were either far-reaching and/or focussed on very specific issues. Aspirations and actions that are deliverable within the current constraints have been included in the strategy and action plan, recognising that this is a starting point for further work. All comments have been tracked in a 'you said/we did' spreadsheet which will be shared with services and with the organisations and partners that contributed, in order that everyone can track individual suggestions.
- 10.6 One residents said *"it's all too easy to have a policy, strategy or vision, but they are of the moment. They are out of date the moment they hit the press. Do something and do it well; small/short, consistent, iterative improvement cycles that don't cost huge in terms of time, money or resources"*.
- 10.7 The action plan has been written with this approach in mind, but we recognise that this is as much about cultural change as it is about taking specific actions. As one respondent said *'success is measured where diversity is in the warp and weft of the culture, attitude and values, not in a schedule of actions'*.
- 10.8 Some specific comments were made in relation to economic disadvantage, the provision of housing, how the council buys goods and services, and working with schools and young people. These will be shared with the services, but the council has an Economic Growth Strategy, Procurement Strategy, a Children and Young People's Plan, and housing policies which won't be replicated in the EDI strategy. Officers will work together where these measures overlap through the employee steering group and shared performance measures.

11. Ongoing engagement and monitoring of the strategy and action plan

11.1 18 respondents said they would like to be involved in monitoring the strategy and action plan going forward. It is suggested that this happens through the Dorset Forum for Equality and Diversity. The council will also be including several EDI performance measures in its performance management and monitoring processes, including:

- A regular employee survey (HIVE) looking at how well the council is delivering the strategy and action plan
- Dorset Council's score for the Stonewall Workplace Equality Index
- The percentage of employees who declare additional personal data
- The number of Diversity Champions and allies who support EDI within the council

11.2 We will also continue to ask partners how well we address equality, diversity and inclusion as a council to identify if we are making suitable progress. It is recognised that this as a systems leadership issue and the council needs to work on a multi-agency basis and engage communities to promote better understanding and awareness of what it means to be a diverse society.

11.3 The draft strategy, action plan and proposed measures will go to Cabinet on 19 January 2021.

[Please do not delete the footnote.](#)

Footnote:

Issues relating to financial, legal, environmental, economic and equalities implications have been considered and any information relevant to the decision is included within the report.

Equality, Diversity and Inclusion Strategy 2021-2024

Contents

1. Why do we need an equality, diversity and inclusion strategy?
2. Diverse Dorset - what does the data tell us?
3. Where are we now as a council?
4. Where do we want to be?
5. Monitoring the strategy and action plan
6. Measuring progress and performance



Foreword

Dorset Council is relatively young – it was created in 2019 and I am proud to have been the member champion for equality, diversity and inclusion during that time. Since 2019 we have worked hard on various aspects of equality and inclusion – including the Stonewall Workplace Equality Index, the Syrian Resettlement Programme and new training packages. We did an extensive assessment into the impact of COVID-19 on Dorset’s vulnerable communities earlier this year, and that has informed the strategy and its action plan. However, it is obvious from talking to employees and partner organisations that some of the values we adopted as a new council have yet to be fully demonstrated; there is more that we can and must do.

What came across most strongly from initial conversations – and the message was consistent from both employees and partners – was that while areas of good activity do exist, the new council lacks a coherent strategy and vision. The reorganisation of local government in Dorset was enormously complex and required a significant effort from everyone involved, but we now need to energise the conversation around equality, diversity and inclusion, sharpen our focus on what it means in terms of change, and show more determined leadership to deliver it.

Another theme to have emerged from the conversations was the importance of honesty and reflection. It is clear that we have missed some opportunities to show leadership as a new council. We should have spoken out more quickly following the death of George Floyd, and we should have worked with partners in doing so. The keenness of partners to work with us to deliver this strategy and action plan has been truly humbling, and the constructive and practical suggestions for additions to the action plan have been hugely helpful. As a county we are blessed with many brilliant voluntary and community organisations and active residents, and with your help, we can and will do better.

I would like to take this opportunity to say thank you to all those organisations and individuals that contributed to developing the strategy and action plan. I commend it to all who read this and look forward to working together to deliver it.

A handwritten signature in black ink that reads "Peter Wharf". The signature is written in a cursive, slightly slanted style.

Cllr Peter Wharf
Deputy Leader and Lead Member for Equality, Diversity and Inclusion
November 2020

1. Why do we need an equality, diversity and inclusion strategy?

As a public body, we have both a legal and moral duty to promote equality, diversity and inclusion (EDI) amongst residents, service users and our own employees. As one of the biggest employers in Dorset, it is important that we lead by example and make the council the best employer it can be.

The council's vision is to make Dorset a great place to live, work and visit. As an organisation we are committed to EDI, valuing and recognising our differences, but we appreciate there is a lot more we should be doing.

We want to ensure we are clear about what EDI means. Our definitions are as follows:

Equality is about recognising that everyone is different, and that people's needs are met in different ways. It is not about 'treating everyone the same'. We define equality as being about fairness and ensuring that everyone has the best possible chance to succeed in life, whatever their background or identity.

Diversity is about understanding that everyone is unique, recognising, respecting and celebrating the added value that these differences bring.

Inclusion is where difference is seen as an essential feature of society and a benefit, and where perspectives and differences are shared, leading to better decisions. An inclusive working environment is one in which everyone feels valued, that their contribution matters, and they can perform to their full potential.

While we are committed to EDI as a point of principle, it is also reinforced and underpinned by a clear legal duty.

Equality Act 2010

The EDI strategy will help ensure that Dorset Council meets (and hopefully exceeds) its legal equality duty. The Equality Act 2010 requires the council to take a proactive approach to equality and diversity. The Act sets out the different ways in which it is unlawful to treat someone, such as direct and indirect discrimination, harassment, victimisation and failing to make a reasonable adjustment for a disabled person.

The act also includes the Public Sector Equality Duty (Section 149) which sets both general and specific duties to which public bodies like us are legally bound. The general duty requires public bodies to have 'due regard' to:

- eliminate unlawful discrimination, harassment and victimisation
- advance equality of opportunity between all people
- foster good relations between people, tackling prejudice and promoting understanding

There are specific duties within the Public Sector Equality Duty (PSED). These duties require the council to:

- Publish relevant information demonstrating its compliance with the Equality Duty
- Set specific, measurable equality objectives

2. Diverse Dorset - what does the data tell us?

Dorset's population

To support us in making informed decisions it is important that we understand the people we serve and their experiences.

Dorset Council has a population of 378,510, with a slightly larger population of females (51%) compared to males. Dorset is considered an attractive place for people to settle in their retirement – it has a large population of older people, 29% are aged 65 and above. Currently there are over 8,000 people in Dorset living with dementia, and the number is increasing. Younger people often move away from the area and it has a comparatively relatively low birth rate. The population continues to grow slowly, driven by people who are on average older, moving into the county plus increasing life expectancy. The greatest part of population growth is among over 65s. Dorset's 16-64 population is expected to see a decline of 5.5% over the next 25 years.

One in five of Dorset's population consider themselves as having a long-term health problem that that limits their daily lives a little or a lot. In Weymouth and Portland this accounts for 22% of residents, compared to North Dorset with 18%.

According to the 2011 Census, most of Dorset's population (95.6%) identify as White British and 4.4% identify as Black, Asian and Minority Ethnic (BAME). The highest proportion of this population are classified as 'White Other' who make up approximately 41% of Dorset's Black, Asian and minority ethnic population. This classification includes people who identify as white but who do not have UK national identity.

Dorset has ten neighbourhoods that are within the top 20% most deprived nationally for multiple deprivation. Nine of these are in Weymouth and Portland. The gap in life expectancy between the most deprived and least deprived areas is 6.3 years for males and 5.3 years for females. 46% of Dorset's population live in rural areas. This causes significant barriers to housing, transport and essential services.

Dorset Council's employees

The information below reflects the make-up of Dorset Council's workforce as of November 2020 (excluding school employees). The information is analysed by equality group. Dorset Council employed 4485 people.

Age

Age	Workforce %
24 and under	4.9%
25-39	23.9%
40-49	23.8%
50-59	31.8%
60-64	9.9%

65+	5.6%
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Disability

Only 2.7% of employees shared that they had a disability. 58.7% of our employees state that they do not. This fits with many organisations nationally who have similar declared rates of disability. 38.8% have not shared or would prefer not to say. We recognise as a council more work needs to be undertaken to encourage employees to share their data, so that we can see to what extent our workforce reflects the communities it serves.

Race and ethnicity

68.3% of our employees shared their ethnicity. Analysis showed that 1.3% of our employees identified as Black, Asian or Minority Ethnic backgrounds, and 2.5% identified as White other. 28.2% did not declare.

Sex

63.1% of the workforce are female and 36.9% are male.

Currently the council does not collect data on gender identity. We recognise that this needs to change and it has been included in our action plan.

Religion and belief

Data relating to religion and belief was last analysed in May 2019. 16% of employees shared their religion or belief. 73% did not.

Religion and belief	Workforce %
Christian	15.1%
Buddhist	0.1%
Hindu	0.02%
Jewish	0.02%
Muslim	0.02%
Other	0.7%
No religion	11%
Prefer not to say	4.0%
Not declared	68.9%

Sexual orientation

Data relating to sexual orientation was last analysed in May 2019. 38.1% of employees shared their sexual orientation with just under 1% identifying as lesbian, gay or bisexual (LGB).

3. Where are we now as a council?

Dorset Council was created in 2019 and replaced six other local authorities. We recognise that the council's commitment to EDI takes different forms and is not yet consistent across all services.

A public consultation conducted in November 2020 showed that 29% of respondents felt the council currently did well in addressing equality, diversity and inclusion. 29% felt we did poorly. 42% felt we did reasonably. There is clearly a great deal to do. We will use this data as a benchmark and continue to ask the question at regular intervals to monitor whether we are improving.

In 2019 the council adopted the following values, behaviours and strategies, which apply to our employees and residents alike. What became clear during the consultation is that these are not yet fully embedded across all areas of activity as summarised below.

Values

- **We are an advocate for Dorset on a local, national and global stage:** This may be true for some services, but opportunities to promote Dorset as an EDI-friendly place on a national and global scale have been missed.
- **We work together with our communities and our partners to make things happen:** This aspiration is shared by partners in the voluntary and community sector and partners would like to work more closely together on EDI.
- **We put people first and design services around their needs now and in future:** There is insufficient evidence to confirm this.
- **We are open, accessible and accountable:** Residents, organisations and employees frequently struggle to access information. Not everyone has access to the internet, and some of the information available on the internet and intranet is not accessible.
- **We value people and build on their strengths:** Again, this is a worthy aspiration but feedback suggests that we don't always listen or respond, either internally with employees, or externally with organisations and partners.

Our Behaviours

In 2019 the council adopted a new behaviours framework, which was developed by employees.

In terms of EDI, it was clear that the behaviours that the council has adopted are particularly relevant:

Responsibility: We act with integrity. We are honest and we don't attribute blame when something goes wrong. We are all part of the solution.

Respect: We are aware of our impact on others. We treat people fairly and have high expectations of ourselves and others, and value differences in approaches and opinions. We instigate and lead through positive behaviour.

Recognition: We appreciate and value the contribution of individuals and teams for work well done. We lead by taking time to provide feedback and share lessons learnt and achievements to support the organisation's development. We celebrate commitment and success.

Collaboration: We work with colleagues, residents and partners to achieve the best possible outcomes. We feel confident to share ideas, we listen and respect other points of view and we strive to set this example to each other. We value the power in combining our personal qualities, skills and experience to achieve a shared goal.

People Strategy

In 2019 the council also developed a People Strategy. The People Strategy sets out how Dorset Council will promote and proactively work towards enabling a diverse workforce across all levels of our organisation, acting as a role model for Dorset employers.

The People Strategy sets out our ambition to be an employer of choice, where we can do our jobs well and make a difference to the people of Dorset. We have worked with employees to understand what an employer of choice means to us, and this is what we have heard:

We want the council to be a place where we:

- Recognise that our colleagues are the organisation's greatest asset
- Find our work rewarding and can see the difference we make to the lives of Dorset residents
- Are supported to develop ourselves, enhance our skills and increase our knowledge
- Value diverse backgrounds, skills and personalities
- Respect everyone's rights and dignity
- Develop a positive working culture that is flexible, responsive and enhances the health and wellbeing of our employees
- Have access to the resources and support we need to do our work effectively
- Take responsibility for our work and the outcomes we deliver
- Listen to others' views and we recognise their contribution
- Work as one team to achieve our shared goals

Feedback from the consultation indicates that these remain the right aspirations, but progress needs to be made before people feel that they are embedded. This has also been shown in recent employee surveys which show that:

- 57% of respondents felt the organisation treats everyone with dignity and respect; and
- 59% of respondents felt the council treats people fairly with dignity and respect

There is a separate action plan for the People Strategy which aims to address this.

Equality Objectives

Dorset Council has three equality objectives that underpin this strategy. These set out our long-term aims for promoting equality, diversity and inclusion when delivering services, supporting our communities and developing our work culture. These are:

- To foster good relations with and within the community
- To develop and support a diverse workforce
- To develop, commission and deliver inclusive and responsive services

These were adopted in January 2019 by the 'shadow' Dorset Council, and there has been little opportunity to review the objectives and develop an action plan. The introduction of this strategy and action plan will help in delivering actions in relation to our equality objectives, and understanding how they need to be updated in future.

4. Where do we want to be?

Dorset Council wants to continue developing a positive culture. We want Dorset to be a place where people want to live and work, with a positive and energetic approach to EDI. We want to respond rapidly with intent to local, national or global issues that impact on equality and diversity matters. We want to embed further equality, diversity and inclusion in everything we do, to help make Dorset and Dorset Council a better place for everyone.

Feedback from the consultation suggested employees and partners want the council to be:

- More engaged and responsive – listening to and understanding people's experiences
- More responsive in how we communicate with everyone
- More committed to working with voluntary and community organisations
- Bolder in our commitment to anti-racism
- More explicit in our commitment to LGBTQ+
- More focussed on socio-economic deprivation
- More explicit in its actions

5. The action plan

We have developed an action plan to help deliver our equality strategy. It is based on a framework recommended by the Local Government Association¹ which consists of four themes: .

- Understanding and working with our communities
- Leadership and organisational commitment
- Responsive services and customer care

¹ Called the Equality Framework for Local Government. The Local Government Association is an umbrella organisation that all local authorities can join.

- Diverse and engaged workforce

6. Performance measures and monitoring progress

We want to ensure that our equality, diversity and inclusion activities are measurable, so we know how we're doing and can be challenged if things don't improve. These measures will include:

- A regular employee survey (HIVE) looking at how well the council is delivering the strategy and action plan
- Dorset Council's score for the Stonewall Workplace Equality Index
- The percentage of employees who declare additional personal data
- The number of Diversity Champions and allies who support EDI within the council

We will also continue to ask partners how well we address equality, diversity and inclusion as a council to identify if we are making progress.

We know we can't assess our own performance, so we need others to help. We will do this by:

- Setting up an officers' working group
- Working with external community groups and other stakeholders to monitor progress with delivery of the plan
- Working with Trade Unions
- All employees to regularly monitor objectives, behaviours, wellbeing, peer feedback and workplace culture.

Dorset Council Draft Equality, Diversity & Inclusion Action Plan 2021-2022

This action plan is intended to deliver the council's Equality, Diversity & Inclusion Strategy, the plan will be developed to include specific actions and timescales and is a working document, which will be updated frequently.

The plan will also be reviewed in February 2022 and a year 2 plan will then be implemented, focusing on the achievements of 2021-22 and informed by feedback from employees, residents and the EDI Officer Working Group. The action plan has been developed around the following:

- Theme - we have grouped work into five themes, which are used in the [Equality Framework for Local Government \(EFLG\)](#) . We will use this framework to benchmark ourselves and as a tool to help us improve how we deliver services and be an employer of choice.
- Equality Objectives - The Equality Act 2010 requires us to have [equality objectives](#), these objectives are key areas we want to focus on.
- Dorset Council values and behaviours - as a new organisation in 2019 we defined our [principles and values](#) for our journey ahead.

Dorset

Theme	Link to our Equality Objectives, our values	How will we achieve this?	Key actions for 2021-2022
Understanding and working with our communities	<p>Fostering good relations with and within our community</p> <p>We work together with our communities and our partners to make things happen</p> <p>We put people first and design services around their needs now and in the future</p>	<ul style="list-style-type: none"> • Build and maintain strong relationships with our communities, the community, voluntary and faith sector and partner agencies to improve our knowledge and enable us to work together to improve opportunities for all • Analyse and use equality and diversity data to monitor and plan services that meet the needs of our diverse communities 	<ul style="list-style-type: none"> • Introduce equality monitoring within Dorset Council to improve our evidence base and inform service planning • Create an annual calendar of key diversity dates which are supported by the council • Collaborate with partners and the community and voluntary sector on EDI issues e.g. Gypsy & Traveller Liaison Group, Prejudice Free Dorset, Anti-Slavery Partnership, Children & Young People • Continue to deliver the Dorset Syrian Resettlement Programme

Theme	Link to our Equality Objectives, our values	How will we achieve this?	Key actions for 2021-2022
		<ul style="list-style-type: none"> • Foster good relations and promote understanding between people from different communities across Dorset • Carry out consultations when we are proposing service changes • Provide public information in the most appropriate and accessible way 	<ul style="list-style-type: none"> • Monitor complaints and compliments by protected characteristic to follow any inequality or discrimination • Continue to deliver the actions in the COVID-19 EqlA relating to vulnerable communities • Use Local Democracy Week to encourage people to understand more how local democracy works and work with Dorset Youth Parliament • Implement initiatives to ensure that Dorset Council is working towards being anti-racist • Develop research base looking specifically at Weymouth & Portland
Leadership and Organisational Commitment	<p>Developing and supporting a diverse workforce</p> <p>We are open, accessible and accountable</p> <p>We are an advocate for Dorset on a local,</p>	<ul style="list-style-type: none"> • Equality objectives will be monitored and reviewed on an annual basis • Publish data annually to show how the council is meeting the Public Sector Equality Duty • Offer a suite of equality and diversity learning and development opportunities to all employees and councillors 	<ul style="list-style-type: none"> • Implement a communication policy on incidents which are attracting public and media interest • Publish equality data annually: <ul style="list-style-type: none"> ○ annual workforce report ○ gender pay gap report ○ EqlAs • Deliver the actions as set out in the People Strategy² including: <ul style="list-style-type: none"> ○ Becoming an employer of choice ○ Developing our people

² The People Strategy is how we create a positive workplace culture, so employees feel valued and part one organisation.

Theme	Link to our Equality Objectives, our values	How will we achieve this?	Key actions for 2021-2022
	national and global stage	<ul style="list-style-type: none"> • Create a positive workplace culture for all • Share messages of celebration and communications about key diversity dates and events 	<ul style="list-style-type: none"> ○ Engaging our people ○ Supporting our people ○ Rewarding and recognising performance ○ Creating a positive workplace culture • Review councillors' equality and diversity learning and development opportunities • Implement an annual programme of EDI awareness activities for employees which includes learning opportunities •
<p>Responsive services and customer care</p>	<p>Developing, commissioning and delivering inclusive and responsive services</p> <p>We use time and money wisely</p>	<ul style="list-style-type: none"> • Embed equality and diversity within our policies and procedures • Embed equality and diversity within our commissioning and procurement processes • Ensure that equalities implications inform policy formulation and decision making from the start of the process • Offer appropriate translation and interpreting services • Ensure information on our Dorset Council website is accessible and conforms with the Accessibility Standards • Create awareness and promote ownership across the council of 	<ul style="list-style-type: none"> • Review our approach to equality impact assessments • Deliver regular equality analysis training to ensure that we are giving due regard in decision making • Establish a monitoring process to capture social value from purchasing and commissioning activities • Review our HR policies and procedures to ensure gender neutral language is used • Implement translation, interpreting and alternative formats guidance • Raise awareness of the Accessibility Standards and providing accessibility training

Theme	Link to our Equality Objectives, our values	How will we achieve this?	Key actions for 2021-2022
		the Equality & Diversity Strategy and action plan	
Diverse and Engaged workforce	<p>Developing and supporting a diverse workforce</p> <p>We value people and build on their strengths</p>	<ul style="list-style-type: none"> • Review and modernise our approaches to recruitment and retention to check for unconscious bias • Continue to participate in benchmarking schemes such as Disability Confident, Stonewall & Mindful Employer • Encourage employees to share their diversity data • Undertake regular employee snapshots through our survey platform and other engagement methods • Ensure that gender pay gap data is collected and published annually • Use employee diversity and gender pay gap data to work towards improving how representative the workforce is 	<ul style="list-style-type: none"> • Develop and monitor a workforce plan to help understand the profile of the organisation • Launch and develop our employee networks • Deliver regular equality & diversity induction training to new employees • Review our equality and diversity learning and development opportunities and work with trade unions to develop new training • Implement a Mobile workforce group to look at how we improve communications with our workforce who do not have access to the intranet or a Dorset Council email address • Carry out a Hive survey on the work of the EDI strategy • Work with UNISON on the Gender Pay Gap Trailblazer • Develop a Disability Confident action plan and become a Disability Confident Employer (level 2) by the end of 2021 • Develop a LGBTQ+ action plan using Stonewall feedback and improve our ranking in the Stonewall Workplace Equality Index for 2021

Theme	Link to our Equality Objectives, our values	How will we achieve this?	Key actions for 2021-2022
			<ul style="list-style-type: none"> • Continue to be a member of Mindful Employer and share resources • Increase the number of employees sharing their diversity data year on year • Implement a sexual harassment policy • Develop policies and guidance on managing the menopause at work • Develop a Trans³ policy and guidance for all employees who identify as trans • Establish a role models and allies programme and ensure it includes our mobile workforce

³ Trans is an umbrella term to cover the whole range of non-binary and trans people

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Equality Impact Assessment (EqIA)

Before completing this EqIA please ensure you have read the guidance on the intranet.

Initial Information

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Members of the assessment team:	Tamsyn Harwood & Susan Ward-Rice
Date assessment started:	1 October 2020
Date of completion:	
Version Number:	1

Part 1: Background Information

Is this (please tick or expand the box to explain)

Existing	
Changing, updating or revision	
New or proposed	X
Other	

Is this (please tick or expand the box to explain)

Internal (employees only)	
External (residents, communities, partners)	
Both of the above	X

What is the name of your policy, strategy, project or service being assessed?

Dorset Council Equality, Diversity & Inclusion Strategy and Action Plan

What is the policy, strategy, project or service designed to do? (include the aims, purpose and intended outcomes of the policy)

This strategy sets out how the council will deliver equality, diversity and inclusion over the next three years (2021-2024), the action plan details the actual work that will be undertaken in the first year (2021-2022), this plan will then be reviewed and an updated action plan for year two will be published.

What is the background or context to the proposal?

Dorset Council is a relatively new council, formed in April 2019, when a local government reorganisation created a new council area.

Since the formation of Dorset Council there have been a number of initiatives, projects and general work to advance equality, diversity and inclusion. These include internal activities that relate to the council as an employer e.g.:

- gender pay gap reporting
- workforce equality monitoring data
- equality and diversity training (for councillors and employees)

- working with external bench marking organisations such as Stonewall, Disability Confident and Stonewall
 - undertaking equality analysis of new or changing services, policies, projects etc
- Externally, the council has also:
- engaged with partners on equality, diversity and inclusion issues including Gypsy & Traveller Liaison, anti-slavery, European Union Settlement Scheme and community safety.
 - implemented an accessibility strategy for school age pupils with a disability
 - worked with partners to deliver the Dorset Syrian Resettlement Programme

While there have been pockets of positive activity within the council, the council does not have an agreed vision or strategy in relation to equality, diversity and inclusion. In addition, significant events in the last year such as COVID-19 and its impact on different communities and the murders in America of George Floyd and many others has shone a light on the racism and discrimination people from Black, Asian and diverse communities face throughout the world.

Additionally, recent national reports such as [The McGregor-Smith Review](#) (2017) and Public Health England [Disparities in the risk and outcomes of Covid-19](#) (June 2020) also highlight people from Black, Asian and diverse communities are often treated differently or more likely to have negative experiences in the workplace and/or in accessing services.

During the pre-consultation and the consultation for this strategy, a number of organisations and individuals suggested that equality, diversity and inclusion was not visible in the council and that opportunities to show commitment and leadership were missed especially in relation to our response around Black Lives Matter.

Leading up to the formation of Dorset Council, advice was sought from the Equality and Human Rights Commission (EHRC) about what requirements should be in place in relation to the Public Sector Equality Duty on the 1 April 2019 when the council was formed. The EHRC advised that the council must prepare and publish one or more equality objectives, the commission recommended developing a small number of high-level objectives, which could be developed further as the council evolves. These equality objectives were agreed by the [Shadow Executive Committee](#) on the 14 January 2019.

These objectives are high-level and there has been little opportunity to review the objectives and develop an action plan. The introduction of this strategy and action plan will help in delivering actions in relation to our equality objectives, so providing a framework to ensure compliance with the Equality Act 2010 and the Public Sector Equality Duty.

If this equality, diversity and inclusion strategy and action plan is adopted, it is envisaged that a consistent approach to diversity and inclusion will be embedded in all aspects of planning, commissioning and delivery of services and employment practices within the organisation. As such, we anticipate that by its very nature the equality, diversity and inclusion strategy should not have any negative impacts on the protected characteristic groups listed in Part 4 of this impact assessment, for most if is anticipated there will be a positive impact.

It should also be noted that this strategy does not cover schools in Dorset. Schools including academies are subject to the Equality Act and the Public Sector Equality Duty and it is recommended by the EHRC that schools set out how they will comply with equality legislation and the Public Sector Equality Duty.

The strategy and action plan have been developed around the following:

- Theme - we have grouped work into five themes, which are used in the [Equality Framework for Local Government \(EFLG\)](#). We will use this framework to benchmark ourselves and as a tool to help us improve how we deliver services and be an employer of choice.
- Equality Objectives - The Equality Act 2010 requires us to have [equality objectives](#), these objectives are key areas we want to focus on.
- Dorset Council values and behaviours - as a new organisation in 2019 we defined our [principles and values](#) for our journey ahead.

Part 2: Gathering information

What sources of data, information, evidence and research was used to inform you about the people your proposal will have an impact on?

As this policy is both internal and external the following data has been used to understand our workforce profile and Dorset Council communities:

- Census and Office for National Statistics (2011-2018) taken from [Dorset Insight](#)
- State of Dorset 2019
- Dorset Council workforce profile data (August 2019)
- Stonewall Workplace Equality Index 2020 report
- [Equality Framework for Local Government](#)
- [LGBT - Trans Report](#), Stonewall; 2018
- [Gender Identity Update](#), ONS, 2019
- [Pan Dorset Maternity Strategy 2014-19](#), Dorset CCG; 2014

What did this data, information, evidence and research tell you?

Data about Dorset Council workforce:

The following data relates to all employees at Dorset Council but not school employees, as the Equality, Diversity & Inclusion Strategy does not include schools or academies or those working within them.

Employees are encouraged to provide diversity monitoring data, but they are not obliged to do so. It should also be noted that for some protected characteristics we are unable to provide data, due to it not being collected or it being so small there is a risk of identifying.

The data below was collected at two different times. The data for age, disability, ethnicity and sex were collected on the 1 November 2020. The data for sexual orientation and religion and belief were collected as part of an [EqIA](#) undertaken in August 2019.

Sex	Overall workforce (Amount/%)
Male	1,654 (36.88%)
Female	2,831 (63.12%)

Race and Ethnicity	Overall workforce (%)
White British	68.03%
White Other	2.52%
Black, Asian, Minority Ethnic	1.25%
Prefer not to say	8.18%
Not declared	20.02%

Disability	Overall workforce (%)
Disabled	2.70%

Not disabled	58.73%
Prefer not to say	6.62%
Not declared	31.95%

Age	Overall workforce (Amount/%)
14 – 24*	220 (4.91%)
25 – 39	1,069 (23.8%)
40 – 49	1,071 (23.8%)
50 – 59	1,427 (31.8%)
60 – 64	444 (9.90%)
65+	254 (5.66%)

* Employees aged between 14-16 are 'Casual Swim Helpers'

Sexual Orientation	Overall workforce (%)
Heterosexual	37.13
Lesbian / Gay	0.58
Bisexual	0.16
Other	0.27
Prefer not to say	7.04
Not declared	54.82

Religion and Belief	Overall workforce (%)
Christian	15.14
Buddhist	0.14
Hindu	0.02
Jewish	0.02
Muslim	0.02
Other	0.72
No religion	10.99
Prefer not to say	4.02
Not declared	68.93

As part of the action plan relating to the strategy, there is a specific action to improve collecting diversity data and improving the questions asked.

Data relating to the Dorset Council area:

Data on the population of Dorset can be found on [Dorset Insight](#). However, some of the key headlines are:

- Population total of 376,480 of which:
 - 51.1% is female (192,380)
 - 48.9% is male (184,100)
 - 28.6% is aged 65+ years (107,810)
 - 55.4% is aged between 16-64 years (208,740)
- 95.6% identify as White British
 - 4.4% identify as Black and minority ethnic
 - 1.7% main language is not English
 - in 2018 1,045 NINos (National Insurance numbers) were all allocated to adult overseas nationals this is a decline of 7.5% on the allocated in 2017
- 65.1% of the population identify as Christian
- 25.4% have no religion
- 80.9% of residents report having very good or good health
- 11.9% of residents provide unpaid care
- 182,677 residential properties in Dorset

- 72.4% are owner occupied
- 13.7% are privately rented
- 40.5% of dwellings are detached and 15.6% are flats/maisonettes
- 15.2% have no car or van in the household
- 170,602 residents aged 16-74 in employment
- 4,491 households include an Armed forces person
- 12,110 parents identify as being a lone parent

It should be noted that for some of the protected characteristics listed in Part 4 of this EqIA, statistical data does not exist at a local authority area.

Is further information needed to help inform this proposal?

No

Part 3: Engagement and Consultation

What engagement or consultation has taken place as part of this proposal?

The following activities have taken place:

Pre-consultation engagement events inform the draft documents and the formal consultation process:

- Briefing with Councillor Wharf (equality, diversity & inclusion portfolio holder)
- Dorset Council Internal Equality & Diversity Officer Group (2 October 2020)
- Pre-consultation engagement session with key Dorset equality organisations including Dorset Mental Health Forum, Dorset Polish Centre, Dorset Race Equality Council, Space, Dorset & Wilts Deaf Association and others
- Pre-consultation engagement session with unions (Unison & GMB - 7 October 2020)

Engagement activity:

- Information emails about the draft strategy, action plan and consultation were circulated to key Dorset equality organisations on 9 October, 19 October and 16 November 2020, those organisations were also asked to circulate and promote the survey if possible, through their networks
- Press release (12 October 2020)
- Social media messages (Facebook and Twitter at the launch and towards the end of the consultation period)
- Dorset Council intranet article for employees (12 October & 20 November 2020)
- Consultation engagement session with Unions including equality reps - Unison & GMB (18 November 2020)
- Attendance at Black Lives Matter Network, Bridport meeting (19 November 2020)
- Attendance and presentation at Forum for Equality & Diversity (17 November 2020)

Public consultation:

- A six-week public consultation (12 October to 22 November 2020)

The consultation was held online via the Dorset Council website, word copies of the strategy and action plan were included on the consultation page, this allowed the documents to be accessible.

In addition, alternative formats of the consultation and the draft documents would be made available if required and people could complete the survey by telephone., this information was included in the press briefing. Due to current COVID restrictions surveys were unable to be left in council and public buildings such as libraries and local offices.

Public consultation feedback:

61 people responded from the consultation and this can be broken down into:

- 29 (51.8%) as a Dorset resident
- 4 (6.6%) as a representative of an organisation/community group/business
- 26 (42.6%) as a Dorset Council employee
- 2 (3.3%) other e.g. councillor

The consultation asked a mixture of rating scale questions and open-ended questions, respondents were to rate how well the council currently addresses equality, diversity and inclusion, to rating whether the strategy was a good document to guide Dorset Council's actions in the future. Open ended questions asked respondents in what areas was both the strategy and action plan both strong and weak.

The response was broadly positive and showed that:

- 29% of respondents felt the council addresses EDI well or very well currently
- 56% felt that the draft strategy was a good document to guide the EDI work
- 54% of respondents agreed that the action plan was a good document to guide the council's actions in the future

Respondents also made a number of suggestions for the action plan which included:

- work with commissioning and procurement to ensure local suppliers are considering EDI
- work with the trade unions on an initiative aimed at closing the gender pay gap
- use complaints data to understand EDI complaints
- consider additional policies and guidance around domestic abuse and menopause

Other suggestions made that haven't included in the action plan, as they were not considered appropriate or the work was already being done elsewhere in the council or will be included in other pieces of work already listed in the action plan.

The diversity of the respondents can be broken down into the following (using %):

Age

- 1.7% 18-24
- 10.2% 25-34
- 18.6% 35-44
- 20.3% 45-54
- 18.6% 55-64
- 16.9% 65 or over
- 13.6% prefer not to say

Gender identity:

- 32.2% male
- 50.8% female
- 3.4% prefer to self-describe
- 13.6% prefer not to say

Disability:

- 68.4% did not consider themselves disabled whilst 22.8% did.

Race & Ethnicity:

- 81.4% White British
- 1.7% White Irish
- 3.4% Gypsy/Irish Traveller
- 1.7% Other mixed background

- 10.2% prefer not to say

Sexual orientation:

- 5.3% Bi
- 1.8% Gay/Lesbian
- 66.7% Heterosexual/Straight
- 8.8% I use another term
- 17.5% Prefer not to say

Religion and Belief

- 31.6% Christian
- 3.5% Hindu
- 38.6% No religion
- 3.5% Other
- 22.8% Prefer not to say

In addition to the formal consultation, officers received email responses from voluntary and community organisations and the trade unions.

How will the outcome of consultation be fed back to those who you consulted with?

Respondents on to the public consultation were asked how they would like to be kept informed of the progress and 18 said they would like to be involved. Participants attending the Forum for Equality & Diversity suggested using this forum as way of keeping organisations updated on progress. Other suggestions also included regular updates in the Dorset Council newsletter which goes out quarterly.

Performance measures are also being included in the action plan and these will be monitored by the senior leadership team through its performance management process.

Please refer to the Equality Impact Assessment Guidance before completing this section.

Not every proposal will require an EqIA. If you decide that your proposal does **not** require an EqIA, it is important to show that you have given this adequate consideration. The data and research that you have used to inform you about the people who will be affected by the policy should enable you to make this decision and whether you need to continue with the EqIA.

Please tick the appropriate option:

An EqIA is required (please continue to Part 4 of this document)	X
An EqIA is not required (please complete the box below)	

Part 4: Analysing the impact

Who does the service, strategy, policy, project or change impact?

- If your strategy, policy, project or service contains options you may wish to consider providing an assessment for each option. Please cut and paste the template accordingly.

For each protected characteristic please choose from the following options:

- Please note in some cases more than one impact may apply – in this case please state all relevant options and explain in the ‘Please provide details’ box.

Positive Impact	<ul style="list-style-type: none"> • the proposal eliminates discrimination, advances equality of opportunity and/or fosters good relations with protected groups.
Negative Impact	<ul style="list-style-type: none"> • Protected characteristic group(s) could be disadvantaged or discriminated against
Neutral Impact	<ul style="list-style-type: none"> • No change/ no assessed significant impact of protected characteristic groups
Unclear	<ul style="list-style-type: none"> • Not enough data/evidence has been collected to make an informed decision.

Age:	<i>positive</i>
What age bracket does this affect?	all ages
Please provide details:	<p>Dorset Council employees: The Equality, Diversity & Inclusion Strategy and action plan is relevant to all employees regardless of their age. The strategy has several actions which target all employees which include:</p> <ul style="list-style-type: none"> • use employee diversity and gender pay gap data to work towards improving how representative the workforce is. • reviewing and monitoring our recruitment processes for unconscious bias • establish a role models and allies programme to highlight different protected characteristics. • offer a suite of equality and diversity learning and development opportunities to all employees. <p>Dorset Council area: The action plan is grouped into themes based on the Equality Framework for Local Government, this includes a specific theme: 'understanding and working with our communities' which focuses on community engagement, fostering good community relations and participation in public life.</p> <p>As a council we aim to create policies and services which are evidence based, using local and national data. Our equality analysis enables us to understand the differences in outcomes and opportunities of people with different and multiple protected characteristics and due regard is taken when making decisions and setting policies.</p> <p>This strategy reinforces the need to build relationships and work with our communities, so we can understand their needs now and in the future through effective community engagement with all protected characteristic groups and good partnership working. Some of the feedback from the consultation stressed the importance of engaging with young people and thinking about different engagement methods.</p>

	<p>The action plan includes specific actions for how we will work with our communities e.g.:</p> <ul style="list-style-type: none"> • provide public information in the most appropriate and accessible way • embed equality monitoring within Dorset Council to improve our evidence base • promote and support key diversity days and events. • initiatives to encourage diverse communities to get involved in local democracy e.g. becoming a councillor, school governor etc <p>The strategy and action plan will also link with other council strategies e.g. Community Safety Strategy, Children and Young People's Plan and the Council Plan.</p>
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<p>Disability: (including physical, mental, sensory and progressive conditions)</p>	<p><i>positive</i></p>
<p>Does this affect a specific disability group?</p>	<p>No</p>
<p>Please provide details:</p>	<p>Dorset Council employees: Only 2.75% of our workforce have identified themselves as disabled, this fits with many organisations (nationally) who have similar declared rates of disability. This figure is significantly lower than the Dorset and national average (19%)¹. Dorset Council recognise that more work needs to be undertaken to encourage disabled people to share their data and for the council to raise awareness and understanding of non-visible disabilities and a specific action around this is included in the plan.</p> <p>The action plan has a number of other actions in relation to disability we aim to:</p> <ul style="list-style-type: none"> • Become a Disability Confident Employer (level 2) - this government scheme helps employers commit to attracting, recruiting and retaining people with disabilities. • Continue to be part of Mindful Employer and share their resources • launch and develop employee networks • use employee diversity and gender pay gap data to work towards improving how representative the workforce is. • reviewing and monitoring our recruitment processes for unconscious bias • establish a role models and allies programme to highlight different protected characteristics. <p>Dorset Council area:</p>

¹ Disability facts and figures, Scope; 2019

	<p>As mentioned under 'age' the action plan is grouped into themes based on the Equality Framework for Local Government, this includes a specific theme: 'understanding and working with our communities'.</p> <p>As a council we aim to create policies and services which are evidence based, using local and national data. Our equality analysis enables us to understand the differences in outcomes and opportunities of people with different and multiple protected characteristics and due regard is taken when making decisions and setting policies.</p> <p>Specific actions included in the action plan relating to disability and in addition to what is listed under the 'age' protected characteristic are:</p> <ul style="list-style-type: none"> • offer appropriate translation and interpreting service including information in alternative formats • ensure information on our Dorset Council website is accessible • provide public information in the most appropriate and accessible way • embed equality monitoring within Dorset Council to improve our evidence base
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<p>Gender Reassignment & Gender Identity:</p>	<p><i>Positive</i></p>
<p>Please provide details:</p>	<p>Dorset Council employees: Dorset Council does not currently collect data on employees for this category. The council participates in the Stonewall Workplace Equality Index, this index is a benchmarking exercise carried out by Stonewall across the private and public sector, for employers to understand how they are progressing in making a more inclusive workplace for those identifying as LGBTQ+.</p> <p>Specific actions included in the action plan relating to gender reassignment and gender identity include:</p> <ul style="list-style-type: none"> • launch and develop employee networks • use employee diversity and gender pay gap data to work towards improving how representative the workforce is. • reviewing and monitoring our recruitment processes for unconscious bias • establish a role models and allies programme to highlight different protected characteristics. • develop trans policy and guidance • improve on our ranking in the Stonewall Workplace Equality Index in 2021. • increase the number of sharing their diversity data • implement a sexual harassment policy • review our policies and procedures to ensure gender neutral language

	<p>Dorset Council area: As mentioned under 'age' the action plan is grouped into themes based on the Equality Framework for Local Government, this includes a specific theme: 'understanding and working with our communities'.</p> <p>As a council we aim to create policies and services which are evidence based, using local and national data. Our equality analysis enables us to understand the differences in outcomes and opportunities of people with different and multiple protected characteristics and due regard is taken when making decisions and setting policies.</p> <p>Our Stonewall work includes how we engage with the LGBTQ+ community within Dorset, as part of our community engagement work, we are developing relationships locally with key LGBTQ+ organisations.</p> <p>Specific actions included in the action plan relating to gender reassignment and gender identity include:</p> <ul style="list-style-type: none"> • provide public information in the most appropriate and accessible way • embed equality monitoring within Dorset Council to improve our evidence base <p>The consultation for this strategy has led to offers from key organisations in this area to support us to write our trans policy and guidance</p>
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Pregnancy and maternity:	<i>neutral</i>
Please provide details:	<p>Dorset Council employees: The Equality, Diversity & Inclusion strategy and action plan is relevant to all employees.</p> <p>Dorset Council will need to ensure employees returning from maternity leave, parental leave and adoption leave are aware of the strategy and action plan.</p> <p>Dorset Council Area: As a council we aim to create policies and services which are evidence based, using local and national data. Our equality analysis enables us to understand the differences in outcomes and opportunities of people with different and multiple protected characteristics and due regard is taken when making decisions and setting policies.</p>

Race and Ethnicity:	<i>positive</i>
Please provide details:	<p>Feedback from the public consultation, our employees and the trade unions said that we need to take a more pro-active approach to racism and discrimination faced by members of Black, Asian and diverse communities, simply saying we are not racist is not enough, we need to listen and understand the</p>

	<p>lived experiences of both our employees and residents and create an organisation where all employees feel safe, valued and listened to.</p> <p>Specific actions that are included in the action plan for our employees are:</p> <ul style="list-style-type: none"> • launch and develop employee networks • use employee diversity and gender pay gap data to work towards improving how representative the workforce is. • reviewing and monitoring our recruitment processes for unconscious bias • establish a role models and allies programme to highlight different protected characteristics. <p>Dorset Council area:</p> <p>As a council we aim to create policies and services which are evidence based, using local and national data. Our equality analysis enables us to understand the differences in outcomes and opportunities of people with different and multiple protected characteristics and due regard is taken when making decisions and setting policies.</p> <p>Some specific actions included in the action plan are:</p> <ul style="list-style-type: none"> • implement a communication policy on incidents which are attracting public and media interest • provide public information in the most appropriate way • embed equality monitoring within Dorset Council to improve our evidence base • promote and support key diversity days and events such as Gypsy, Roma & Traveller History Month, Holocaust Memorial Day and Black History Month • initiatives to encourage diverse communities to get involved in local democracy e.g. becoming a councillor, school governor etc • collaborate with partners on race related EDI issues e.g. Gypsy & Traveller Liaison Group, Prejudice Free Dorset, Anti-Slavery Partnership • continue to deliver the Dorset Syrian Resettlement Programme • Other appropriate translation and interpreting services • Ensure information on our Dorset Council website is accessible
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Religion or belief:	<i>positive</i>
Please provide details:	As an employer we are conscious that over 68% of our workforce have not declared any religion or belief. We recognise there is more work we need to do about encouraging employees to share their data and this is included as a specific action for 2021.

	<p>As an employer and linking with other policies such as the behaviour framework, we need to consider how we raise awareness and understanding of different faiths and beliefs and embrace initiatives such as Multi-Faith week. There is also a need to link with other policies/initiatives such as smarter working and flexible working which can help employees participate in religious/belief events this can help with a work/life balance.</p> <p>Dorset Council Area: As a council we aim to create policies and services which are evidence based, using local and national data. Our equality analysis enables us to understand the differences in outcomes and opportunities of people with different and multiple protected characteristics and due regard is taken when making decisions and setting policies. A specific action included in the action plan is:</p> <ul style="list-style-type: none"> • implement a communication policy on incidents which are attracting public and media interest
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Sexual orientation:	<i>positive</i>
Please provide details:	<p>Dorset Council employees: We are conscious that over half of our employees have not declared their sexual orientation and 6% would prefer not to say. We recognise that more work needs to be done to encourage people to share their data and feel safe in sharing data and this is included as a specific action for 2021.</p> <p>Feedback from employees in the consultation also highlighted that more work is needed in challenging homophobia, biphobia and transphobia in the workplace and making assumptions on people's sexual orientation and gender identity.</p> <p>As mentioned earlier in this assessment, the council participates in the Stonewall Workplace Equality Index, a specific action has been included in the action plan to improve our ranking in the 2021 index. Using feedback from our previous entry and from recent consultation sessions with Stonewall, a Stonewall specific plan is being developed.</p> <p>Specific actions included in the action plan relating to sexual orientation include:</p> <ul style="list-style-type: none"> • launch and develop employee networks • use employee diversity and gender pay gap data to work towards improving how representative the workforce is. • reviewing and monitoring our recruitment processes for unconscious bias • establish a role models and allies programme to highlight different protected characteristics. • increase the number of sharing their diversity data

	<p>As a council we aim to create policies and services which are evidence based, using local and national data. Our equality analysis enables us to understand the differences in outcomes and opportunities of people with different and multiple protected characteristics and due regard is taken when making decisions and setting policies.</p> <p>Our Stonewall work includes how we engage with the LGBTQ+ community within Dorset, as part of our community engagement work, we are developing relationships locally with key LGBTQ+ organisations.</p> <p>Specific actions included in the action plan relating to gender reassignment and gender identity include:</p> <ul style="list-style-type: none"> • provide public information in the most appropriate and accessible way • embed equality monitoring within Dorset Council to improve our evidence base
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<p>Sex (consider both men and women):</p>	<p><i>positive</i></p>
<p>Please provide details:</p>	<p>Dorset Council employees: Dorset Council has a higher proportion of females working at the council. This EqIA details the female/male split of full time, part time workers and also the sex breakdown across the pay grades.</p> <p>Due COVID-19 pandemic, the Government Equalities Office and the Equality & Human Rights Commission took the decision in March 2020 to suspend enforcement of gender pay gap reporting for 2019/20. As such Dorset Council has not released information on the gender pay gap. The gender pay reporting has been included in the action plan for 2021.</p> <p>The Equality, Diversity & Inclusion Strategy and action plan is relevant to all employees. In the age section of this assessment it lists several actions which target all employees, in addition, other protected sections also list additional actions when thinking about people with multiple characteristics (i.e. sex and sexual orientation).</p> <p>The council recognises that more work is needed in challenging sexism in the workplace and making assumptions about people's roles.</p> <p>The action plan also lists some specific actions relating to sex:</p> <ul style="list-style-type: none"> • Implement a sexual harassment policy <p>Feedback from the consultation asked for the following to be included in the action plan:</p> <ul style="list-style-type: none"> • Consider additional policies on managing the menopause at work

	<p>Dorset Council area: As a council we aim to create policies and services which are evidence based, using local and national data. Our equality analysis enables us to understand the differences in outcomes and opportunities of people with different and multiple protected characteristics and due regard is taken when making decisions and setting policies.</p>
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Marriage or civil partnership:	<i>neutral</i>
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Please provide details:	<p>This strategy will be applied equally to all employees regardless of their marriage or civil partnership status. With the development of this strategy and other policies such as our behaviour framework, and our work with Stonewall we should be celebrating the diversity of relationships and not making assumptions and any marketing materials should be reflective of different protected characteristic groups.</p>
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Carers:	<i>positive</i>
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Please provide details:	<p>Dorset Council employees: At present, Dorset Council does not collect data on employees who are also carers. However, we believe that a number of our employees will be carers and more is required to understand how we can support employees.</p> <p>The strategy has some actions which could be of benefit to carers, these include: several actions which target carers all employees which include:</p> <ul style="list-style-type: none"> • establish a role models and allies programme to highlight different protected characteristics • launch and develop employee networks • embed equality monitoring within Dorset Council to improve our evidence base <p>Dorset Council Area: As a council we aim to create policies and services which are evidence based, using local and national data. Our equality analysis enables us to understand the differences in outcomes and opportunities of people with different and multiple protected characteristics and due regard is taken when making decisions and setting policies.</p>
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Rural isolation:	<i>neutral /unclear</i>
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Please provide details:	<p>Dorset Council does not use any personal data shared to understand if an employee lives in a rural area, however, we believe that a number of our employees will live in a rural area. The Equality, Diversity & Inclusion Strategy and action plan is relevant to all employees. For employees who are considered mobile workers i.e. do not have a base or limited access to a base and do not have a council email address, the council is</p>
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	<p>developing a Mobile Workers Officers Group to look at how communication and support is offered and this has been included in the action plan.</p> <p>Dorset Council Area: As a council we aim to create policies and services which are evidence based, using local and national data. Our equality analysis enables us to understand the differences in outcomes and opportunities of people with different and multiple protected characteristics and due regard is taken when making decisions and setting policies.</p>
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Single parent families:	<i>Neutral</i>
Please provide details:	<p>Dorset Council employees: At present, Dorset Council does not collect data on single parent families. The Equality, Diversity & Inclusion Strategy and action plan is relevant to all employees, and this group will have other protected characteristics, where there could be some positive impacts.</p> <p>Our work with Stonewall and its Workplace Equality Index will enable us to consider an action plan to review family friendly policies, which will include a language review to avoid gender-specific language.</p> <p>Dorset Council Area: As a council we aim to create policies and services which are evidence based, using local and national data. Our equality analysis enables us to understand the differences in outcomes and opportunities of people with different and multiple protected characteristics and due regard is taken when making decisions and setting policies.</p>

Social & economic deprivation:	<i>Unclear for employees, Positive for the council area</i>
Please provide details:	<p>Dorset Council employees: Dorset Council does not use any personal data such as pay grades to understand if employees are experiencing deprivation (social or economic). The council does offer a number of employee benefits including links with Wyvern Savings and Loans (credit union), car and bikes schemes through salary sacrifice. At this present time, we are unclear what the impact could be on our employees.</p> <p>Dorset Council area: Deprivation has a significant impact on health and wellbeing. Areas of deprivation are largely located in the most urban areas, such as Weymouth & Portland, which has ten areas within the top 20% most deprived nationally for multiple deprivation. The action plan for the strategy includes an action</p>

	around Project Weymouth, an economic regeneration project, which will result in new homes, jobs and cultural and leisure facilities.
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Armed Forces communities	<i>neutral/potentially positive</i>
Please provide details:	<p>Dorset Council area: At present we do not collect data on employees who may be veterans or partners of military personnel. Dorset Council has signed the Armed Forces Covenant, as part of the recruitment and retention work which is listed as an action in the action plan, it would be beneficial to use the covenant as an opportunity to encourage recruitment from the armed forces communities.</p> <p>Dorset Council Area: As a council we aim to create policies and services which are evidence based, using local and national data. Our equality analysis enables us to understand the differences in outcomes and opportunities of people with different and multiple protected characteristics and due regard is taken when making decisions and setting policies.</p>

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Part 5: Action Plan

Provide actions for **positive**, **negative** and **unclear** impacts.

If you have identified any **negative** or **unclear** impacts, describe what adjustments will be made to remove or reduce the impacts, or if this is not possible provide justification for continuing with the proposal.

Issue	Action to be taken	Person(s) responsible	Date to be completed by
All protected characteristic groups	The Equality & Diversity Strategy and action plan will go to Overview & People Committee on the 14 December 2020 and if supported will go to Cabinet on 19 January 2021 for adoption. If adopted, the action plan will start to be implemented.	Rebecca Forrester	31/01/2021
Communication of strategy and action plan	Comms to take policy to launch the strategy and action plan and regular comms throughout the year on updates.	Susan Ward-Rice	31/01/2021
Monitoring of strategy and action plan	Officer monitoring and review group to meet regularly to oversee the work of the strategy and the action plan 2021-2022	Rebecca Forrester / Susan Ward-Rice	January 2022
Review this EqlA	EqlA to be reviewed and updated when the first year of action plan is completed.	Rebecca Forrester / Susan Ward-Rice	January 2022

EqlA Sign Off

Officer completing this EqlA:	Rebecca Forrester	Date:	01 December 2020
Equality Lead:		Date:	
Equality & Diversity Action Group Chair:		Date:	

Next Steps:

- Please send this draft EqIA to: [Diversity & inclusion Officer](#)
- The report author will be invited to an Equality & Diversity Action Group (these are held monthly - dates are available on the intranet)
- The Equality & Diversity Action Group will review the EqIA and you may be asked to make some alterations
- EqIAs are signed off and published
- The report author is responsible for ensuring any actions in the action plan are implemented.

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People and Health Overview Committee – Forward Plan

Subject	Report due		Portfolio Holder/s / Other relevant Councillors	Officer Contact - Lead
Adult charging policy	14 December 2020	To Cabinet 19 January 2021	Portfolio Holder for Adult Social Care and Health	Nikki Fowler, Financial Assessments Team Manager
Equality, Diversity & Inclusion Strategy and action plan	14 December 2020	To Cabinet 19 January 2021	Portfolio Holder for Corporate Development and Change	Matt Prosser - Chief Executive Susan Ward-Rice & Tamsyn Harwood
Cultural Strategy	4 March 2021	To Cabinet 7 April 2021	Portfolio Holder for Customer and Community Services	Paul Rutter - Service Manager for Leisure Services
Homeless Strategy	4 May 2021	To Cabinet 2 June 2021	Request from Portfolio Holder for Housing and Community Safety	Andrew Billany - Interim Corporate Director for Housing
Transition (CAMHS and General) Workshop	To be arranged		Portfolio Holder for Children, Education, Skills and Early Help	Theresa Leavy - Executive Director for People - Children

Annual items and items to be scheduled into current forward plan and beyond 2020/21:

- Development of performance indicators in Children's Services and Adults and Housing Services (raised during 2020/21 Budget scrutiny) Scrutiny to receive a report (6 months) of KPI's and progress made the changes and efficiency savings highlighted in the overall report (Scrutiny?)
- Changes at Dorset County Hospital
- Inquiry Date into Youth People's Mental Health and Wellbeing (request from Portfolio Holder)
- Reset and Recovery

Executive Advisory Panels (EAP) to report:

- Housing Register EAP
- Joint Adults and Children's Transitions EAP
- Melcombe Regis EAP
- Youth Offer EAP

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**The Cabinet Forward Plan
For the period 1 DECEMBER 2020 to 31 MARCH 2021
(PUBLISHED 10 NOVEMBER 2020) AND UPDATED 24 NOVEMBER 2020**

Explanatory Note:

This Forward Plan contains future items to be considered by the Cabinet and Council. It is published 28 days before the next meeting of the Committee. The plan includes items for the meeting including key decisions. Each item shows if it is 'open' to the public or to be considered in a private part of the meeting.

Definition of Key Decisions

Key decisions are defined in Dorset Council's Constitution as decisions of the Cabinet which are likely to -

- (a) to result in the relevant local authority incurring expenditure which is, or the making of savings which are, significant having regard to the relevant local authority's budget for the service or function to which the decision relates (**Thresholds - £500k**); or
- (b) to be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the relevant local authority."

In determining the meaning of "*significant*" for these purposes the Council will have regard to any guidance issued by the Secretary of State in accordance with section 9Q of the Local Government Act 2000 Act. Officers will consult with lead members to determine significance and sensitivity.

Cabinet Portfolio Holders 2020/21

Spencer Flower	Leader / Governance, Performance and Communications
Peter Wharf	Deputy Leader / Corporate Development and Change
Gary Suttle	Finance, Commercial and Capital Strategy
Ray Bryan	Highways, Travel and Environment
Tony Ferrari	Economic Growth, Assets & Property
David Walsh	Planning
Jill Haynes	Customer and Community Services
Andrew Parry	Children, Education, Skills and Early Help
Laura Miller	Adult Social Care and Health
Graham Carr-Jones	Housing and Community Safety

Subject / Decision	Decision Maker	Decision Due Date	Other Committee Date	Portfolio Holder	Officer Contact
December					
Recommendations for the allocation of developer contributions for enhancement of recreation and community infrastructure provision in Dorchester Key Decision - Yes Public Access - Open	Dorset Council - Cabinet	8 Dec 2020		Portfolio Holder for Planning	<i>Andrew Galpin, Infrastructure & Delivery Planning Manager andrew.galpin@dorsetcouncil.gov.uk Executive Director, Place (John Sellgren)</i>
Annual Self Evaluation of Children's Services Key Decision - Yes Public Access - Open	Dorset Council - Cabinet	8 Dec 2020		Portfolio Holder for Children, Education, Skills and Early Help	<i>Claire Shiels, Corporate Director - Commissioning, Quality & Partnerships claire.shiels@dorsetcouncil.gov.uk Executive Director, People - Children (Theresa Leavy)</i>
Annual Safeguarding Report (Children's 2019-2020) Key Decision - Yes Public Access - Open	Dorset Council - Cabinet	8 Dec 2020		Portfolio Holder for Children, Education, Skills and Early Help	<i>Karen Elliott, Head of Quality Assurance & Partnerships Executive Director, People - Children (Theresa Leavy)</i>
Dorset Council Local Plan - Options Consultation Key Decision - Yes Public Access - Open	Dorset Council - Cabinet	8 Dec 2020		Portfolio Holder for Planning	<i>Terry Sneller, Local Plan Team Leader terry.sneller@dorsetcouncil.gov.uk Executive Director, Place (John Sellgren)</i>

Subject / Decision	Decision Maker	Decision Due Date	Other Committee Date	Portfolio Holder	Officer Contact
Planning Advisory Service Peer Review of the planning service Key Decision - No Public Access - Open	Dorset Council - Cabinet	8 Dec 2020		Portfolio Holder for Planning	<i>Mike Garrity, Head of Planning</i> <i>mike.garrity@dorsetcouncil.gov.uk</i> <i>Executive Director, Place (John Sellgren)</i>
Parking Services Phase 1 Project Report Key Decision - Yes Public Access - Open	Dorset Council - Cabinet	8 Dec 2020	Dorset Council - Place and Resources Scrutiny Committee 1 Dec 2020	Portfolio Holder for Highways, Travel and Environment	<i>Elizabeth Murray, Strategic Parking Projects Officer</i> <i>elizabeth.murray@dorsetcc.gov.uk</i> <i>Executive Director, Place (John Sellgren)</i>
Dorset Council Plan Quarterly Performance Report - Q2 Key Decision - No Public Access - Open	Dorset Council - Cabinet	8 Dec 2020		Deputy Leader - Corporate Development and Change	<i>Bridget Downton, Head of Business Insight and Corporate Communications</i> <i>Chief Executive (Matt Prosser)</i>
Provision for Dorset Children Key Decision - Yes Public Access - Part exempt General exception notice – published 12/11/2020	Dorset Council - Cabinet	8 Dec 2020		Portfolio Holder for Children, Education, Skills and Early Help	<i>Mark Blackman, Corporate Director - Education and Learning Tel: 01305 228241</i> <i>mark.blackman@dorsetcouncil.gov.uk</i> <i>Executive Director, People - Children (Theresa Leavy)</i>
Permission to procure and award Healthy Homes Dorset 2020 contract Key Decision - Yes Public Access - Open General exception notice – published 24/11/2020	Dorset Council - Cabinet	8 Dec 2020		Portfolio Holder for Economic Growth, Assets and Property	<i>Jon Bird, European Policy and Funding Officer</i> <i>jon.bird@dorsetcouncil.gov.uk</i> <i>Executive Director, Place (John Sellgren)</i>

Subject / Decision	Decision Maker	Decision Due Date	Other Committee Date	Portfolio Holder	Officer Contact
January					
Children's Services Provision Key Decision - Yes Public Access - Open	Dorset Council - Cabinet	19 Jan 2021		Portfolio Holder for Children, Education, Skills and Early Help	<i>Stuart Riddle, Senior Manager</i> <i>Stuart.Riddle@dorsetcouncil.gov.uk</i> <i>Executive Director, People - Children (Theresa Leavy)</i>
Budget Strategy Report Key Decision - Yes Public Access - Open	Dorset Council - Cabinet	19 Jan 2021	Dorset Council - People and Health Scrutiny Committee Dorset Council - Place and Resources Scrutiny Committee	Portfolio Holder for Finance, Commercial and Capital Strategy	<i>Executive Director, Corporate Development - Section 151 Officer (Aidan Dunn)</i>
Dorset Council Budget - Quarterly Performance Report - Q3 Key Decision - No Public Access - Open	Dorset Council - Cabinet	19 Jan 2021	Dorset Council - Audit and Governance Committee 22 Feb 2021	Portfolio Holder for Finance, Commercial and Capital Strategy	<i>Jim McManus, Corporate Director - Finance and Commercial</i> <i>J.McManus@dorsetcc.gov.uk</i> <i>Executive Director, Corporate Development - Section 151 Officer (Aidan Dunn)</i>
Recommendations for spending Community Infrastructure Levy funding Key Decision - Yes Public Access - Open	Dorset Council - Cabinet	19 Jan 2021		Portfolio Holder for Planning	<i>Andrew Galpin, Infrastructure & Delivery Planning Manager</i> <i>andrew.galpin@dorsetcouncil.gov.uk</i> <i>Executive Director, Place (John Sellgren)</i>
Dorset Council School Admissions	Dorset Council -	19 Jan 2021		Portfolio Holder for	<i>Ed Denham, School</i>

Subject / Decision	Decision Maker	Decision Due Date	Other Committee Date	Portfolio Holder	Officer Contact
Arrangements and Coordinated Scheme Key Decision - Yes Public Access - Open	Cabinet			Children, Education, Skills and Early Help	<i>Admissions Manager ed.denham@dorsetcouncil.gov.uk Executive Director, People - Children (Theresa Leavy)</i>
Equality, Diversity & Inclusion Strategy and action plan Key Decision - No Public Access - Open	Dorset Council - Cabinet	19 Jan 2021	Dorset Council - People and Health Overview Committee 14 Dec 2020	Deputy Leader - Corporate Development and Change	<i>Susan Ward-Rice, Equalities and Diversity Officer susan.ward- rice@dorsetcouncil.gov.uk Chief Executive (Matt Prosser)</i>
Current & Future Changes to the Charging and Financial Assessment policy Key Decision - No Public Access - Open	Dorset Council - Cabinet	19 Jan 2021	Dorset Council - People and Health Overview Committee 14 Dec 2020	Portfolio Holder for Adult Social Care and Health	<i>Nicola Fowler, Financial Assessments Team Manager n.fowler@dorsetcc.gov.uk Executive Director, People - Adults (Mathew Kendall)</i>
March					
Dorset Council Plan Quarterly Performance Report - Q3 Key Decision - No Public Access - Open	Dorset Council - Cabinet	2 Mar 2021	Dorset Council - Audit and Governance Committee 22 Feb 2021	Deputy Leader - Corporate Development and Change	<i>Bridget Downton, Head of Business Insight and Corporate Communications, Rebecca Forrester, Business Intelligence & Performance rebecca.forrester@dorsetcouncil.gov.uk Chief Executive (Matt Prosser)</i>

Subject / Decision	Decision Maker	Decision Due Date	Other Committee Date	Portfolio Holder	Officer Contact
April					
Dorset Cultural Strategy 2021 - 2026 Key Decision - Yes Public Access - Open	Dorset Council - Cabinet	6 Apr 2021	Dorset Council - People and Health Overview Committee 4 Mar 2021	Portfolio Holder for Customer and Community Services	<i>Paul Rutter, Service Manager for Leisure Services</i> <i>paul.rutter@dorsetcouncil.gov.uk</i> <i>Executive Director, Place (John Sellgren)</i>
Dorset Council Budget Quarterly Performance Report - Q4 Key Decision - Yes Public Access - Open	Dorset Council - Cabinet	6 Apr 2021	Dorset Council - Audit and Governance Committee 19 Apr 2021	Portfolio Holder for Finance, Commercial and Capital Strategy	<i>Jim McManus, Corporate Director - Finance and Commercial</i> <i>J.McManus@dorsetcc.gov.uk</i> <i>Executive Director, Corporate Development - Section 151 Officer (Aidan Dunn)</i>

Private/Exempt Items for Decision

Each item in the plan above marked as 'private' will refer to one of the following paragraphs.

1. Information relating to any individual.
2. Information which is likely to reveal the identity of an individual.
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
6. Information which reveals that the shadow council proposes:-
 - (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - (b) to make an order or direction under any enactment.
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

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