

FOR PUBLICATION

DERBYSHIRE COUNTY COUNCIL

CABINET MEMBER FOR ADULT CARE

29 April 2024

Report of the Executive Director - Adult Social Care and Health

**Proposal to Consult on the Cessation of
Adult Social Care Discretionary Grant Funding**

1. Divisions Affected

Countywide.

2. Key Decision

This is a key decision because, if the proposed changes are made, it is likely to:

- a) result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the budget for the service or function concerned, which is currently defined as £500,000; and
- b) be significant in terms of its effect on communities living or working in an area comprising two or more electoral divisions in the county area.

3. Purpose

To seek Cabinet approval to:

- consult on the cessation of the current Adult Social Care allocation of discretionary grants to the services outlined in this report.
- award an interim grant to Bolsover Woodlands Enterprise for the amount of £78,462 for the period 1 November 2024 to 31 March

2025 in order to align their funding timeline with other grant recipients.

4. Information and Analysis

- 4.1 A report was submitted to Cabinet by the Director of Finance and ICT on 11 January 2024, outlining the financial challenges faced by the Council and proposing budget saving measures for the period 2024-2029.
- 4.2 The Council currently supports the organisations listed in paragraph 4.13 with a discretionary grant. Each organisation has a different model of operation and service delivery, responding to the differing needs of the people who draw on their services. Some people who receive support may have eligible needs under the Care Act 2014 and others may access support which is preventative in nature. There are also other organisations which deliver preventative support in Derbyshire, but do not receive any funding from the Council.
- 4.3 Following a county wide audit of Voluntary and Community Sector 'VCS' grants in 2019, the Council undertook a review of all recurring grants to the VCS. The process included two public consultations. The first took place in 2020 and detailed draft proposals for the future funding model of VCS infrastructure support. In July 2020, Cabinet approved key components of the proposals and the agreed approach was underpinned by:
- District level funding allocations, with providers working together where there are multiple providers within a district.
 - New Service Level Agreements on an organisation/district basis, outlining the funding providers receive and how it is spent, with a commitment from providers to deliver core VCS support through a shared outcomes framework.
 - A comprehensive list of Key Performance Indicators, co-designed with providers, which seek to understand and measure impact and what is being achieved.
- 4.4 The second consultation exercise took place in 2022, detailing two proposals (1) to introduce a specified end date to all grant funding save for exceptional circumstances (2) to introduce a commissioning pathway which would replace the recurring grants and to introduce an assessment criteria to determine whether the organisation should continue on that commissioning pathway or whether the grant would cease altogether.

- 4.5 In July 2022, Cabinet approved the proposals. The introduction of an end date has ensured all organisations in receipt of Council grant funding understand that funding is finite in nature and therefore should not have an expectation that further grant funding would be available following the current award allocation.
- 4.6 Cabinet's approval meant that the Council could commission or decommission activities in the future, where appropriate. However, significant financial pressures, as detailed within the Cabinet Report of 11 January 2024, have prevented officers from implementing any commissioned solutions.
- 4.7 Derbyshire County Council, like every Council up and down the country, is facing significant financial challenges that are outside of its control. These include inflationary pressures, staff pay awards agreed nationally but paid locally; reduced funding from Central Government; high borrowing costs; lack of a financial multi-year settlement which affects planning, and continuing increasing demand on our services, particularly in Adult Care and Children's Services.
- 4.8 In particular, demand for adult social care support has risen dramatically, with the cost of providing care and support accounting for 48% of the Council's overall spending.
- 4.9 In order to set a balanced budget for 2024/25, as it is legally obliged to do, the Council has implemented a series of financial controls, including tight control over non-essential spend. This position has significantly changed the context within which the Council allocates its budget and funding to services.
- 4.10 It is anticipated that there will be further budget challenges in future years and all areas of the Council are required to deliver in year financial savings and propose further areas for budget savings in future years.
- 4.11 The current financial position and requirement to make additional efficiencies and budget savings means that activity which directly contributes to the delivery of the Council's statutory duties must now be prioritised.
- 4.12 The Council does not have a specific statutory duty to offer grant funding to the organisations outlined in this report, therefore this spend has been identified as discretionary. It is however noted that the organisations do offer a preventative service in their local area and some also provide a service to individuals with eligible social care

needs. Both Adult Social Care and Public Health have a wide range of other preventative services through commissioned and directly provided approaches. These are generally available across the whole of the county and are designed to reduce, prevent and delay needs. These include but are not limited to, Home from Hospital, Low level support, sensory services, advocacy, carer support, Warm and Welcoming Spaces, Better Off Derbyshire, Derbyshire Discretionary Fund and Live Life Better Derbyshire.

- 4.13 Considering the above, Officers are proposing to consult on ending the remaining discretionary grants, detailed in the table below:

Grant Recipient(s)	Grant per Annum (£)
Telephone and 1:1 Befriending Activity	0.161
Social Activity Grants	0.091
Luncheon Clubs	0.007
Bolsover Woodlands Enterprise	0.188
Our Vision, Our Future	0.030
ASCH Infrastructure Grants	0.245
Total	0.722

- 4.14 A detailed breakdown of the grants can be found in Appendix 1.

Telephone and 1-1 Befriending Activity

- 4.15 The Council provides discretionary grant funding to eleven voluntary sector organisations across Derbyshire, to provide befriending support. Telephone and 1-1 befriending is prevention activity - decreasing social isolation for those who may be isolated through illness, disability, mental illness, old age or social disadvantage. Volunteer befrienders offer people who are eligible, someone to talk to, someone to share a leisure activity with or someone to attend a group with.
- 4.16 The grant from the Council is currently the sole funding stream for these eleven services with some supplementing this income with charitable donations and some levying a charge to individuals receiving a service. However, the organisations are brought together by South Derbyshire CVS as the 'Derbyshire Befriending Network', which includes other organisations who are not funded by the Council. The network is in the process of establishing itself as a Community Benefit Society, enabling them to seek alternative funding as a joint legal entity.
- 4.17 These grants are due to end on 31 March 2025.

Social Activity Grants

4.18 The Council provides a discretionary grant to seven voluntary sector organisations across Derbyshire to provide social inclusion activity. These grants fund a range of different social activity support, outreach information and advice to increase independent living across Derbyshire including:

- Two social car schemes in South Derbyshire and High Peak, to support assisted shopping.
- Mencap provide a Gateway social club for people with learning disabilities in South Derbyshire.
- Borrowbrook Homelink provide social activities for older people in Erewash.
- Age UK provide a mobile information and advice roadshow to help people stay independent.
- The African Caribbean Community Association provide social activity, befriending and lunch clubs in Chesterfield.
- The Bureau

4.19 These grants are due to end on 31 March 2025.

Luncheon Clubs

4.20 The Council provides small grants which contribute towards supporting 54 small Luncheon Clubs across Derbyshire to support the Council's prevention duty, by helping to reduce social isolation.

4.21 The Luncheon Clubs are led by volunteers and provide an opportunity for members to come together to socialise and have a meal.

4.22 Derbyshire County Council has suspended Luncheon Club grants to any new applications until the proposal to consult is considered and any subsequent consultation is completed.

4.23 These grants are due to end on 31 March 2025.

Bolsover Woodlands Enterprise

4.24 Bolsover Woodlands Enterprise ('BWE') supports up to thirty-six people with learning disabilities to develop and promote their independence and gain practical work-based skills and experience in teamworking,

health and safety, conservation, woodlands management and woodworking.

- 4.25 BWE currently receives a discretionary grant of £0.188m per annum to support its activities. The Council's grant funds the majority of the staff wages and BWE generate additional income from external sources to cover their remaining operational costs.
- 4.26 The existing grant is due to expire on 31 October 2024 and officers are proposing this is extended to 31 March 2025 to align with the other grant funded services outlined in this paper.
- 4.27 The requested extension for the five-month period of 1 November 2024 to 31 March 2025 has a value of £78,462.50, which can be met from the Adult Social Care revenue budget.

Our Vision, Our Future

- 4.28 Our Vision, Our Future ('OVOF') is a user led, independent self-advocacy organisation supporting a maximum of around sixty adults with a learning disability and autism. The group works with the community and other service providers to organise activities, champion self-help, self-advocacy, prevention and promote independence.
- 4.29 OVOF has been operational for over thirty years and is currently supported by the Council through a discretionary grant with an annual value of £30,375. This is the largest amount of funding they receive, but OVOF also charge an attendance fee and generate additional income from external sources to cover their remaining operational costs.
- 4.30 The existing grant is due to end on 31 March 2025.

ASCH Infrastructure Grants

- 4.31 Adult Social Care and Health fund ten Voluntary and Community Sector (VCS) infrastructure organisations to provide the sector with a single front door to offer support as and when needs arise. The VCS infrastructure provides information, support, guidance, training, funding advice for groups, support to recruit and manage volunteers, promote good practice and provide a VCS perspective to the statutory sector at strategic level forums.
- 4.32 These infrastructure organisations can also reach new, small and marginal organisations across the county, and generate feedback and intelligence about the sector.

4.33 These grants are due to end on 31 March 2025.

5 Proposed Consultation

5.1 Consultation is required to enable officers to seek the views of various stakeholders, organisations, the people drawing on the services and the public to understand the full implications of the proposal to end discretionary grant funding as set out within this report.

5.2 If Cabinet were to agree to the proposed consultation exercise and subsequently agreed to make any changes to the grant funding, the Council would need to give funded organisations and the public/service users impacted, three months' notice of any resulting funding changes as outlined in the Derbyshire Compact and Local Authority Best Value Statutory Guidance.

5.3 Officers from the ASCH Commissioning team, with support from the Stakeholder Engagement and Consultation Team, will lead on all but the VCS infrastructure grants consultation. The consultation for the latter grants will be conducted in partnership with colleagues from Corporate Services and Transformation (CST).

5.4 Colleagues from CST are proposing to consult on their own infrastructure grants. It is intended that where possible Adult Social Care and CST will adopt a coordinated and joined up approach to consultation and engagement to ensure that duplication is minimised and that where organisations receive funding from both departments, they are not required to respond to multiple consultations. It will also enable the potential impact of ceasing both the CST and ASCH infrastructure grants to be properly understood and considered before any subsequent decisions are made. A separate Cabinet Report setting out the position in relation to the CST grants and the associated consultation is also due to be considered at the Cabinet meeting on 29 April 2024. In the interests of transparency, seven organisations will be impacted by both this grant proposal and the CST infrastructure grant proposal.

5.5 As outlined in this report, it is recommended that there is a 12-week period of consultation to receive feedback on the impact of proposals as outlined in this report. The consultation process will commence in May 2024 and will close in August 2024

5.6 The purpose of the consultation will be to:

- Gain an understanding of the impact of ceasing discretionary grant funding from relevant consultees.
- Enable stakeholders to outline how the policy will impact residents.
- Enable consultees to offer viable alternatives, within the parameters of the current position, which will be duly considered before the matter is brought back to Cabinet.

5.7 It will include the following elements:

- Identification of people, groups, organisations and other stakeholders who should be informed of and included in the proposed consultation.
- Consultation meetings.
- Online information and survey, including easy read format.
- Information and survey available in hard copy or alternative language / format, on request.
- Equality Impact Assessment.
- Report to Cabinet containing the consultation findings and recommendations.

5.8 The table below outlines who the Council will be consulting with and why:

Who	Why
Current grant recipients	<ul style="list-style-type: none"> • The proposal could impact on grant recipients and the service they deliver. • The need to understand the impact of ceasing discretionary grant funding.
The wider VCS	<ul style="list-style-type: none"> • Do not currently receive funding from the Council but changes may affect the support they receive.
Derby and Derbyshire ICB/ICS Tameside & Glossop ICB/ICS	<ul style="list-style-type: none"> • Partner agencies may: <ul style="list-style-type: none"> - Fund the current grant recipients. - Signpost to the current grant recipients - Rely on the current grant recipients to support their priorities • To understand the potential impact the proposal could have on partners.
District and Borough Councils in Derbyshire	
Police and Crime Commissioner	
Colleagues in the Council	

General Public	<ul style="list-style-type: none"> To understand what impact the proposal could have on residents.
----------------	---

5.9 The table below describes the expected consultation activities and timeline.

Date	Action
May 2024	<ul style="list-style-type: none"> Work with grant recipients to identify service users who need information and/or the questionnaire in easy-read or alternative format. The consultation will be publicised on the Council's website and various media, with information about the impacted services and invitations to public consultation meetings distributed as necessary. Public consultation meetings planned in all Districts including affected organisations and people who draw on support from the services. Equality Impact Assessment commences.
May – August 2024	<ul style="list-style-type: none"> Consultation opens for 12 weeks. Online Consultation Survey published, including easy read format. Information and survey available in hard copy or alternative language / format, on request. Those service users/clients who have been identified by the affected grant recipients as requiring alternative formats will receive this without having to make a specific request. Public consultation meetings take place on service and district footprints, plus several online events at various times of the day/evening to promote attendance, there will also be the with the option of 1:1 discussions where requested. Outputs from the consultation collated, reviewed and considered. Equality Impact Assessment updated. Report for Cabinet to be drafted.
September - October 2024	Analysis and report to be considered by Scrutiny Committee (30 October).
November / December 2024	Report to Cabinet sharing the findings of the consultation (14 Nov or 5 Dec).

January – March 2025	Implementation of Cabinet decisions, if required.
----------------------------	---

6 Alternative Options Considered

- 6.1 Option 1 - The Council could allow the current grants to end on 31 March 2025 without any consultation. This option is not recommended as it would result in the Council failing to meet its obligations under the Derbyshire Compact and the Local Authority Best Value Statutory Guidance which states that funded organisations and service users should be given three months' notice, should be actively engaged as early as possible, and those affected should get an opportunity to have their say. This option would be unlawful and would leave the Council vulnerable to legal challenge and the potential for reputational damage.
- 6.2 Option 2 - The Council could consider continuing to fund the discretionary grants or otherwise fund the services outlined in this report, thereby not requiring consultation. This option would result in having to identify alternative ASCH funded provision to deliver the necessary efficiencies required to enable the Council to present a balanced budget in future and could impact on the Council's ability to meet its statutory duties.

7. Implications

- 7.1 Appendix 1 sets out the relevant implications considered in the preparation of the report.

8. Background Papers

- 8.1 Report to Cabinet – Voluntary and Community Sector Review 30 July 2020
- 8.2 Report to Cabinet – Voluntary and Community Sector Review 29 July 2021
- 8.3 Report to Cabinet – Voluntary and Community Sector Review 6 December 2021
- 8.4 Report to Cabinet – Voluntary and Community Sector Review 28 July 2022
- 8.5 Report to Corporate Management Team – Voluntary and Community Sector Grants Review and Infrastructure Provision Update 15 November 2022
- 8.6 Report to Cabinet Member ASCH - Interim Grant for Befriending Services - 7 December 2023

- 8.7 Report to Cabinet Member ASCH - Interim Grant for Social Activity Services - 7 December 2023
- 8.6 Report to Cabinet – Budget Savings Proposals 2024/25 to 2028/29, 11 January 2024
- 8.7 Report to Cabinet Member ASCH – Interim Grant for Our Vision our Future – 29 February 2024
- 8.8 Report to Cabinet – VCS Infrastructure Provision 2024-25 14 March 2024

9. Appendices

- 9.1 Appendix 1 - Implications

10. Recommendation(s)

- 10.1 That Cabinet:

- a) approves the programme of formal public consultation on the cessation of the current Adult Social Care allocation of discretionary grants to the services outlined in this report.
- b) notes that a further report will be received following conclusion of the consultation, including a full Equality Impact Assessment.
- c) approves the award of an interim grant to Bolsover Woodlands Enterprise for the amount of £78,462 for the period 1 November 2024 to 31 March 2025 in order to align their funding timeline with these proposals and the other grant recipients.

11. Reasons for Recommendation(s)

- 11.1 The majority of the discretionary grants outlined in this paper were originally awarded over twenty years ago. Since then, Derbyshire's population has changed and people's aspirations, needs and preferences for support have also changed.
- 11.2 The current financial challenges facing the Council means it's essential that the limited funding available is spent wisely. To do this, budgets must be targeted and distributed equitably, to ensure public money goes to the right places and to those who need it most. The proposed consultation will be a vital part of gathering the information and intelligence needed to inform Cabinet's future decision making.

- 11.3 Formal consultation is also required to understand the full implications of the proposals contained within this report. Consultation for twelve weeks is proposed to ensure the Council has sufficient time to carry out a robust consultation exercise and carefully consider the outcomes of that consultation before any subsequent decisions are made.
- 11.4 A further report will be submitted to Cabinet following the conclusion of the consultation if approved, to ensure that Cabinet is fully informed of the outcomes of the consultation and Equality Impact Assessment, before it makes a decision about the cessation of Adult Care discretionary grant funding.
- 11.5 If Cabinet approve the proposed consultation, it is necessary to extend BWE's discretionary grant for a further five months to the 31 March 2025 to ensure they continue to receive that funding and services are not impacted whilst the proposed consultation process is completed and a further report is brought back to Cabinet

12 Is it necessary to waive the call in period?

12.1 No

Report Phil Wall & Steve Ball
Author:

Contact phil.wall@derbyshire.gov.uk
details: steve.ball@derbyshire.gov.uk

Implications**1. Financial**

- 1.1 The 2024-25 Approved Revenue Budget includes an efficiency of £0.881m over financial years 2024-25 and 2025-26 in relation to a review of discretionary grants as set out in this report. For 2024-25 the efficiency will be partly realised through the release of uncommitted voluntary sector grants budget. For 2025-26 the efficiency is proposed to be achieved following a review of the grants set out in the tables below which have ongoing funding for 2024-25. The cost of the consultation can be met from existing budgets

Total Discretionary Grant Expenditure	Grant per annum (£)
Telephone and 1-1 Befriending Activity	160,652
Social Activity Grants	90,952
Luncheon Clubs	6,557
Bolsover Woodlands Enterprise	188,310
Our Vision, Our Future	30,375
ASCH Infrastructure Grants	245,336
Total	722,182

- 1.2 The total discretionary grant funding by individual service is detailed in the tables below.

Telephone and 1-1 Befriending Activity	Grant per annum (£)
Age Concern (Chesterfield, NED, Bolsover)	10,741
Age UK Derby & Derbyshire (Erewash)	4,500
Age UK Derby & Derbyshire (High Peak and Dales)	48,099
Amber Valley CVS	6,457
Connex Community Support (High Peak and Dales)	3,000
Derbyshire Dales Careline	2,010
Erewash Voluntary Action CVS	3,000
Erewash Voluntary Action CVS (extended service)	31,711
New Mills Volunteer Centre (High Peak)	250
South Derbyshire CVS	33,848

The Volunteer Centre (Chesterfield)	17,036
Sub-total	160,652

Social Activity to prevent Isolation	Grant per annum (£)
African Caribbean Community Association	20,282
Age UK Information for Older People Roadshow	19,547
Borrowbrook Homelink	2,800
Mencap Swadlincote Gateway Club	2,675
The Bureau (Volunteer Centre Glossop)	21,936
Connex Community Support	16,306
South Derbyshire CVS	7,406
Sub-total	90,952

Luncheon Clubs	2023/24 (£)
54 small luncheon clubs across Derbyshire	6,557
Sub-total	6,557

Bolsover Woodlands Enterprise	Grant per annum (£)
Bolsover	188,310
Sub-total	188,310

Our Vision Our Future	Grant per annum (£)
Chesterfield	30,375
Sub-total	30,375

ASCH Infrastructure Grants	Grant per annum (£)
Amber Valley CVS This organisation is also in receipt of a CST infrastructure grant as highlighted at paragraph 5.4	32,518
Bassetlaw CVS (Bolsover District) This organisation is also in receipt of a CST infrastructure grant as highlighted at paragraph 5.4	7,110
Connex Community Support	27,236

Derbyshire Dales CVS This organisation is also in receipt of a CST infrastructure grant as highlighted at paragraph 5.4	21,515
Derbyshire Voluntary Action This organisation is also in receipt of a CST infrastructure grant as highlighted at paragraph 5.4	18,166
Erewash Voluntary Action CVS This organisation is also in receipt of a CST infrastructure grant as highlighted at paragraph 5.4	57,095
High Peak CVS This organisation is also in receipt of a CST infrastructure grant as highlighted at paragraph 5.4	4,124
New Mills Volunteer Centre (High Peak)	21,513
South Derbyshire CVS This organisation is also in receipt of a CST infrastructure grant as highlighted at paragraph 5.4	36,884
The Bureau (Volunteer Centre Glossop)	19,175
Sub-total	245,336

- 1.3 Bolsover Woodlands Enterprise’s annual grant ends on 31 October 2024. In order to align BWE’s funding with other grant recipients it will be necessary to award an additional £78,462 for the period 1 November 2024 to 31 March 2025. If approved, this award would enable officers to consult with people who draw on the service and stakeholders, at the same time as the other grant funded services.

2 Legal

- 2.1 The Council has the power to provide grants to voluntary and community sector organisations under the general power of competence set out in section 1 Localism Act 2011, but there is no statutory duty to provide grants to these voluntary organisations. Whilst there is no statutory duty to specifically award these grants, it is noted that the majority of these organisations provide preventative services, and some provide support to individuals with eligible care and support needs. The Care Act 2014 places statutory duties on local authorities in this respect. Section 78 Care Act 2014 provides that a local authority must act under the general guidance of the Secretary of State; the Care and Support Statutory Guidance (‘the Statutory Guidance’). Local authorities must follow this guidance unless they have very strong reasons for not doing so. A departure from the guidance would be unlawful unless there is cogent reason for it, and the greater the departure, the more compelling the reason must be.

- 2.2 Section 1 Care Act 2014 places a general duty on local authorities to promote an individual's well-being whenever it exercises a function under Part 1 Care Act 2014.
- 2.3 Well-being is not defined within statute, but it is a broad concept. Section 1(2) Care Act 2014 lists nine particular aspects of well-being as follows:
- a) personal dignity (including treatment of the individual with respect);
 - b) physical and mental health and emotional well-being;
 - c) protection from abuse and neglect;
 - d) control by the individual over day-to-day life (including over care and support, or support, provided to the individual and the way in which it is provided);
 - e) participation in work, education, training or recreation;
 - f) social and economic well-being;
 - g) domestic, family and personal relationships;
 - h) suitability of living accommodation;
 - i) the individual's contribution to society.
- 2.4 The Care and Support Statutory Guidance states that the well-being principle applies equally to those with eligible social care needs and those who do not have eligible social care needs but come into contact with the system in some other way. It should inform the delivery of services to the community as a whole and should be considered when the local authority undertakes broader, strategic, functions such as this proposal.
- 2.5 In exercising a function under Part 1 Care Act 2014, local authorities must also have regard to (amongst other things) the importance of preventing or delaying the development of needs for care and support or needs for support and the importance of reducing needs of either kind that already exist.
- 2.4 Section 2 Care Act 2014 reiterates this duty and states that local authorities must provide or arrange for the provision of services, facilities or resources, or take other steps, which it considers will:
- a) contribute towards preventing or delaying the development by adults in its area of needs for care and support;
 - b) contribute towards preventing or delaying the development by carers in its area of needs for support;
 - c) reduce the needs for care and support of adults in its area;
 - d) reduce the needs for support of carers in its area.

- 2.6 This preventative duty is owed to all adults, including those who do not currently have any care and support needs, those with eligible needs and carers. The policy aim is to reduce the future burden on local authorities of more substantial support packages.
- 2.7 The Statutory Guidance is very clear that prevention is critical to the vision in the Care Act and that the system should actively promote well-being and independence, not just wait to respond when people reach crisis point. It also advocates the ‘co-production’ of preventative approaches, not just in relation to individual support packages but also when services are designed, commissioned and delivered so as to ensure services reflect what the people who use them want.
- 2.8 There is no single definition for ‘prevention’ but the Statutory Guidance breaks it down into three approaches:
- a) Primary prevention – aimed at individuals who have no current health or care needs but services may help an individual avoid developing needs for care and support. These are generally universal services which may include, but are not limited to, befriending schemes or community activities.
 - b) Secondary prevention – more targeted interventions aimed at individuals who have an increased risk of developing needs and services may help to slow down or reduce further deterioration or prevent other needs from developing. This could include, but is not limited to, telecare services, adaptations to housing and handyman services.
 - c) Tertiary prevention – interventions aimed at minimising the effect of disability or deterioration for people with established or complex health conditions; supporting people to regain skills and manage or reduce need where possible. This could include, but is not limited to, rehabilitation/reablement services and respite.
- 2.9 Section 2(2) Care Act 2014 states that local authorities must have regard to what is already available in the authority’s area and the extent to which the authority could involve or make use of that local resource in performing this duty. These readily available services, facilities and resources may form part of the overall local approach to preventative activity.
- 2.10 The Statutory Guidance states that local authorities should develop a clear, local approach to prevention which sets out how they plan to fulfil this responsibility. Should the proposal to consult be approved, any subsequent decision to cease all grants must take into account the potential impact on the availability of preventative services, facilities and

resources in the local area. It is crucial that local demand and resource and is fully understood to allow consideration to be given to any gaps which remain and what further steps are required to meet this duty. There must be sufficient services, facilities or resources to adequately fulfil the prevention duty.

- 2.11 In addition, section 5 Care Act 2014 places a further duty on local authorities to promote the efficient and effective operation of a market in services for meeting care and support needs with a view to ensuring that any person in its areas wishing to access services:
- a) has a variety of providers to choose from who (taken together) provide a variety of services;
 - b) has a variety of high quality services to choose from;
 - c) has sufficient information to make an informed decision about how to meet the needs in questions.
- 2.12 The Statutory Guidance is clear that the preventative duty under section 2 Care Act 2014 extends to how the authority facilitates and commissions services and how it works with other local organisations to build community capital and make the most of the skills and resources already available in the local area.
- 2.13 This report highlights that some of these organisations may not just be providing a preventative service but may also be meeting the needs of individuals with eligible needs. Section 18 Care Act 2014 provides that where an individual is assessed as having eligible needs, there is a duty to meet those needs. Should the voluntary grants be withdrawn, and an organisation cease to operate or reduce their capacity, the local authority will continue to be under a duty to meet that individual's eligible needs and alternative arrangements must be made. This would need to take into account (amongst other things), the outcomes the individual wishes to achieve and the impact on their well-being.
- 2.14 The proposal triggers the duty to consult with the public and those directly affected including the organisations, service users and relevant stakeholders.
- 2.15 Case law has established the minimum requirements of consultation, which, if not met, usually renders the consultation unlawful and any consequential decision liable to be quashed. When undertaking a consultation exercise, a public authority must:
- a) undertake the consultation when the proposals are at a formative stage;

- b) provide sufficient reasons for the proposal, so as to permit intelligent consideration and response;
- c) provide adequate time for consideration and response; and
- d) take the products of consultation conscientiously into account.

2.16 Whilst there is a requirement to undertake the consultation when the proposals are at a formative stage, this does not preclude the local authority from consulting on its preferred option, provided the decision maker's mind remains open to change. The proposed consultation will provide an opportunity for consultees to provide wider comments and suggestions, which will be duly considered.

2.17 In assessing these proposals, the Council should also have regard to the Public Sector Equality Duty ('PSED') under the Equality Act 2010. The PSED requires public authorities to have "due regard" to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010 (*section 149(1) (a)*).
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it (*section 149(1) (b)*). This involves having due regard to the need to:
- remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic.
- take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it (*section 149(4)*); and
- encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- foster good relations between persons who share a relevant protected characteristic and those who do not share it (*section 149(1)(C)*).

2.18 Preliminary consideration has been given to the impact of the proposals on persons with protected characteristics in drawing up these proposals. In particular it is recognised that the methods and content of the consultation will need to be designed so as to fully reflect the needs of the relevant protected groups, in particular older people and disabled people.

2.19 In addition, regard has been given to the Equality Impact Analysis (EIA), as referenced within the report. A full EIA will be prepared reflecting issues that are raised during the consultation process. This will be reported in full to Cabinet and a full copy of the EIA made available to

Members in order that any adverse impact along with any potential mitigation can be fully assessed. Cabinet members will be reminded at that time of the need to have careful regard to the conclusions of the EIA.

3 Human Resources

- 3.1 The voluntary and community sector organisations currently funded by the Council as part of this report are independent of the Council and therefore there are no human resources considerations for the Council.

However, there could be human resources impacts on individual organisations affected by the proposed consultation process.

4 Information Technology

- 4.1 None.

5 Equalities Impact

- 5.1 An Equality Impact Assessment will be drafted to inform the consultation process and will be further developed and finalised following receipt of the formal consultation feedback.
- 5.2 The majority of discretionary grants under review are related to activities which involve older people or those with a disability.
- 5.3 Officers will work very closely with the organisations involved to ensure that plans and timeframes are communicated clearly in order to include as many stakeholders as possible in the proposed consultation process.

6 Corporate objectives and priorities for change

- 6.1 The Council has to deliver a balanced budget each year and the cessation of discretionary grants has been identified as a priority for delivering the necessary efficiencies to meet the requirement.
- 6.2 The proposal to review the viability of discretionary grants is expected to require consultation prior to Cabinet approving any future recommendations, based upon the findings of the consultation.

7 Other (for example, Health and Safety, Environmental Sustainability, Property and Asset Management, Risk Management and Safeguarding)

7.1 In preparing this report the relevance of the following factors has been considered: human resources, health, environmental, transport, and crime and disorder considerations.