

Minutes of a meeting of the Adults and Communities Overview and Scrutiny Committee held at County Hall, Glenfield on Monday, 1 November 2021.

PRESENT

Mr. T. J. Richardson CC (in the Chair)

Mr. B. Champion CC
Mr. N. Chapman CC
Mr. R. Hills CC

Mr. J. Miah CC
Mrs. A. Wright CC

In attendance

Mrs. C. M. Radford CC – Cabinet Lead Member for Adults and Communities
Mr. T. Parton CC – Cabinet Support Member
Mrs. L. Broadley CC – (via Microsoft Teams)

29. Minutes.

The minutes of the meeting held on 6 September 2021 were taken as read, confirmed and signed.

30. Question Time.

The Chief Executive reported that no questions had been received under Standing Order 34.

31. Questions asked by members under Standing Order 7(3) and 7(5).

The Chief Executive reported that no questions had been received under Standing Order 7(3) and 7(5).

32. Urgent Items.

There were no urgent items for consideration.

33. Declarations of interest.

The Chairman invited members who wished to do so to declare any interest in respect of items on the agenda for the meeting.

Mrs. A. Wright CC declared a personal interest in agenda items 8 – 12 (Engagement on the Council's Strategic Plan, Digital Developments, Current Demand Pressures on the Adults and Communities Department Forecast Budget 2021/22, Update on the Provision of Community Life Choices Services (Day Services) and Mandatory Covid-19 Vaccination for Workers in Care Homes) respectively (minutes 36 - 40 refer) as she was a health and social care solicitor working for Browne Jacobson in the area and a champion for a local social care organisation.

34. Declarations of the Party Whip in accordance with Overview and Scrutiny Procedure Rule 16.

There were no declarations of the party whip.

35. Presentation of Petitions under Standing Order 35.

The Chief Executive reported that no petitions had been received under Standing Order 35.

36. Engagement on the Council's Strategic Plan.

The Committee considered a report of the Chief Executive, the purpose of which was to seek the Committee's views on the draft Strategic Plan (2022 – 26) as part of the 12-week public consultation period which commenced on 1 November 2021. A copy of the report marked 'Agenda Item 8', is filed with these minutes.

The Chairman welcomed Mrs. P. Posnett CC, the Cabinet Lead Member for Community and Staff Relations, to the meeting for this item and invited her to introduce the item.

Regarding the Council's draft Strategic Plan, members made the following comments for consideration as part of the consultation:

- (i) Members commented that the reference to 'meeting the accommodation needs of disabled and frail people' in the 'Strong Economy, Transport and Infrastructure' outcome, sub-outcome 8.5, needed strengthening. It was highlighted that the availability of accessible accommodation was a key aspect of being able to live a healthy life, so the potential to make properties accessible in the early stages of property development was an important factor. Whilst the County Planning authority did not consider applications for housing, its role in influencing local planning processes and its potential to use its resources to develop start-up properties were significant. Mrs Posnett CC said that whilst it was not possible to expect developers to build full wet rooms in new properties, building 'housing for life' as an alternative (for example, providing easy access for wheelchair users and installing certain aids such as shower platforms) was something that she actively advocated for.
- (ii) The draft Strategic Plan used the term 'customers' to refer to service users and it was suggested that a different term should be used to make it clear that the Council was not a 'business'.
- (iii) In response to a question raised, it was clarified that the reference in paragraph 23 of the report, under the Resources Implications section, that 'all actions within the Plan are from existing service/business plans', related to the actions that the Council had committed itself to deliver during the course of the period the Plan covered i.e. 2022-2026. The main purpose of the Plan was to summarise the Council's strategic vision and aspirations in a single document to identify specific priority areas of focus. The outcome aims set out in the Plan were made up of a combination of areas identified from the Council's existing strategies and other areas identified through additional performance analysis being undertaken.
- (iv) The geographical locations of libraries and heritage sites across the County was an important element of libraries being accessible. It was felt the distribution ought

to be wider and not concentrated in certain areas so that all residents had a place nearby to where they resided, to visit.

- (v) Members noted that engagement on the draft Plan was taking place directly with local parish and town councils by way of newsletters and round robins. The option to meet and discuss their views directly with Council officers had also been given. Members further noted that Mrs Posnett engaged with local parish councils and other such organisations about community related matters as part her Cabinet Lead Member role. A member suggested that in terms of the wider public consultation advertising in the local newspapers that were delivered to residents free of charge could also be a good way to encourage people to submit their views.
- (vi) In response to a question raised, it was confirmed that having Cabinet Lead Member representation on the Strategic Plan Outcome Boards was something that would be considered.
- (vii) Given the progress being made by the Department to develop its digital offer to service users, it was suggested that 'Digital' should be more at the forefront of the document and that often family members managed a service users care via 'smart' devices which could also be referenced. Members noted that the 'Digital' theme ran throughout the Plan document and it was expected that the actions to tackle the issues associated with 'digital exclusion' would arise as the activities set to take place over the Plan period progressed.
- (viii) Members commented that the Plan was well written overall, and it was pleasing to see the outcomes that the Council would be working to achieve clearly set out in a single document.

RESOLVED:

- (a) That the update on the work undertaken to review and refresh the Council's Strategic Plan be noted.
- (b) That the Chief Executive be requested to give consideration to the comments now raised as part of the consultation on the Council's Draft Strategic Plan (2022 – 2026).

37. Digital Developments.

The Committee received a presentation from the Director of Adults and Communities, the purpose of which was to provide an update on the work of the Adults and Communities Department to develop its Digital Strategy and to give an opportunity for the Committee to ask questions about the future proposals. A copy of the slides presented to the Committee marked 'Agenda Item 9', is filed with these minutes.

Arising from discussion the following points were raised:

- (i) Members were pleased to note that the Department's digital offer was not intended to replace existing services but was instead complementary. The Director advised that there would always be a requirement for person to person contact to be used to connect with service users. For example, social workers making home visits or the Customer Service Centre responding to enquiries by phone. It was also

recognised that there would always be some service users that preferred this method of contact. However, as society became more digitally aware, other service users and family members, who could often be more digitally connected, preferred to make use of the digital service options available. Members noted that a high proportion of the contact received by the Department was from a range of professionals, many of whom would already be prepared and willing to connect with the Department's services via digital means.

- (ii) The Council's Superfast Leicestershire project was designed to bring fibre broadband to as many premises in Leicestershire as possible and so the Department's Digital Strategy did not specifically focus on improving service users' access to broadband. However, if a person had registered for direct payments as part of their care package, it would be possible for a sum of the direct payment to be used to cover this. For example, broadband may be needed if virtual assistant technology had been included in a service users' support plan to assist with tasks such as giving meal and medication prompts.
- (iii) Members highlighted the need to sustain focus on who the end user of the technology proposed would be i.e. the service user and care providers and the need to ensure the technology worked for the whole community including Black, Asian and Minority Ethnic (BAME) communities where there may be some language barriers. It was felt that getting feedback from the people that would be using the technology throughout the various stages would be key. The Director stated that discussing and receiving the views of the people involved would be crucial for the Strategy to be successful and to ensure all the elements were right for the whole community, including those who were non-English speaking citizens. Members noted that the Department planned to host engagement through existing customer and focus groups at the appropriate stages of the various technologies being rolled out. Members further noted that one of the aims of the Strategy was to make certain processes simpler, for example the procurement of language translation technology which currently had to be bought in from a third party at a considerable cost to the Council.
- (iv) Regarding the timescales for implementing a Shared Care Record (SCR) for Leicester, Leicestershire and Rutland (LLR), it was expected that the system foundations would be in place by the end of this year. In response to comments raised by a member regarding the several past attempts made by NHS England to create a national Record with minimal success, it was acknowledged that the process for joining up health and care data to create a single record was complex. The Director advised that one of the main issues that had caused complications in the past, which was not planned to be used when implementing a SCR for LLR, was the feature of having live updates and feeds to allow more than one worker to update a service user's record synchronously. Members requested that the developers responsible for implementing the local SCR programme be invited to a future Committee meeting to provide further information around the scope of the project.
- (v) The Committee welcomed the positive work the Department had been undertaking to develop its Digital Strategy and enhance the services it was able to offer.

RESOLVED:

- (a) That the presentation on the work of the Adults and Communities Department to develop its Digital Strategy be welcomed.
- (b) That an update regarding the development of a Shared Care Record be presented at a future meeting.

38. Current Demand Pressures on the Adults and Communities Department Forecast Budget 2021/22.

The Committee considered a report of the Director of Adults and Communities, the purpose of which was to advise on the current demand pressures being faced by the Adults and Communities Department and the impact of this demand on the 2021/22 forecast departmental budget outturn. A copy of the report marked 'Agenda Item 10', is filed with these minutes.

Arising from discussion the following the points arose:

- (i) Regarding the table at paragraph 28 of the report which showed the difference in spend between Leicestershire and comparator authorities on overall expenditure on adult social care and on the amount of spent on older adults, a member commented that Leicestershire had spent considerably less than the other authorities listed on long term care for older adults in 2019/20. In response the Director confirmed that local authority's expenditure levels largely depended on the level of funding they received. Therefore, this did not mean that the Council was not meeting the care requirements of those with eligible needs, rather that other areas of the country receiving greater levels of funding were in a better position to provide higher levels of funding. Leicestershire had been the lowest spending authority out of 151 councils for that particular area of care for the year 2019/20, but other authorities such as Nottinghamshire and Derbyshire County Councils had received significantly more funding per head of population thus providing them with the ability to spend more. For the year 2020/21, Leicestershire's position had improved somewhat to 143 out of 151 despite the Council remaining the lowest funded council in England. The funding allocations were determined by a complex formula set up by the National Government which took into account a range of factors such as deprivation and income. Representations previously made by the Council to the National Government had raised the need for fairer funding for Leicestershire.
- (ii) A member commented that there could be a difference between providing care in line with statutory responsibility and meeting people's care needs entirely. It was questioned whether Adult Social Care in Leicestershire should be a higher priority area to receive additional funding. In response it was confirmed that in order for the Department to continue to meet the needs of its service users, a significant amount of growth would be required going into the next financial year.
- (iii) With regard to the Department's performance in recent years, the Director explained that in 2015 the Department had the highest growth requirement outlined in the Council's Medium Term Financial Strategy of any other Department, but by refocusing its strategies on providing the right outcomes for the right people it had successfully managed the budget each year between 2015 and 2019, significantly reduced its additional growth requirements and even

declared an underspend indicating that people's needs had been met with the budget available at that time. It was confirmed that meeting people's needs would always be the highest priority, but this needed to be done in the right way to help people live as independently as possible and delay the need for long term care.

- (iv) In response to a question as to whether the Council's strategic aims to support people to live at home for longer affected the statistics shown in the aforementioned table at paragraph 28 of the report, officers undertook to provide an East Midlands comparison of people aged 65+ supported either in the community or in a permanent placement in the next report to the Committee on departmental performance.
- (v) In regard to the UK-wide 1.25 per cent Health and Social Care Levy which was due to be introduced from April 2022 to bring forward an additional £12 billion per year for health and social care over the next three years, it was expected that for at least the next two years the majority of the funding would be directed towards the NHS to tackle the backlogs of cases for elective services that had accumulated during the Covid-19 pandemic. It was therefore unlikely that any additional funding from the levy would be received from the National Government for social care until 2023/24 onwards once its plans for reform came into effect.
- (vi) The most significant factor that had contributed to the increased demand in social care services in February 2021 referenced in paragraph 8 of the report had been the influx of patients to the Leicester Royal Infirmary who at that time were receiving a record number of patients of around 900 per day into its accident and emergency department. As health and care services worked in an integrated way there had been a knock on effect to local social care services and other services who were also responding to the additional numbers of patients by ensuring the appropriate care packages were put in place for a timely and efficient discharge. Due to the national restrictions that were put in place to stop the spread of Covid and allow hospitals to focus on managing Covid related demand, there had been a delay to the normal winter pressures relating to other illnesses such as the flu that were usually experienced during the months of December and January. The impact of the pandemic requiring hospitals to postpone or cancel elective treatments was also significant and having an ongoing effect on hospitals being able to meet the continuously high level of demand.
- (vii) In response to a question the Director confirmed that having fewer self-funding residents being admitted into care homes would have a significant impact on the Council's budget going forward. Members noted that in terms of the care home placements that the Council funded there were two types of additional payments that the Council could be required to pay. One was a supplementary needs allowance for when a person's additional needs required them to have a level of care above the standard fee. The second was a local authority assisted funding allocation which came into play when the fee for a care home placement was higher than the fee the Council would ordinarily pay. Since the Covid-19 pandemic the percentage of services users requiring the Council to make an additional payment had doubled from 20% to 40%. This was because care providers had increased their fees for placements to make up for the additional costs they had experienced throughout the pandemic. For example, to meet new requirements brought in by the National Government around workforce and Personal Protective Equipment. Another factor was that care homes were experiencing a higher level of bed vacancies than ever before due to the effects of Covid-19.

- (viii) The Committee noted the update and offered its thanks to the staff in the Department for their continued efforts to keep services running and meet service user's needs despite the significant financial restraints and ongoing challenges being faced.

RESOLVED:

- (a) That the update regarding the current demand pressures on the Adults and Communities Department's Forecast Budget for 2021/22 be noted.
- (b) That the Director be requested to include an East Midlands comparison of people aged 65+ supported either in the community or in a permanent placement in the next performance report to the Committee.

39. Update on the Provision of Community Life Choices Services (Day Services).

The Committee considered a report of the Director of Adults and Communities, the purpose of which was to provide an update on the procurement of commissioned Community Life Choices (CLC/day) services and consultation feedback received on the proposed changes to the provision of in-house CLC services. A copy of the report marked 'Agenda Item 11' is filed with these minutes, along with the supplementary report that was published on the Council's website and circulated to all members in advance of the meeting for consideration.

In introducing the report, the Director highlighted that the overwhelming majority of respondents to the public consultation had strongly disagreed with the proposal for the Council's in-house CLC service to stop providing long term day service packages. The main reasoning for such objections was the perceived lack of alternative provision and capacity in the private sector to provide these services to those with more complex needs.

In response to questions raised, the Director advised, that:

- (i) the recent procurement of the new CLC Framework had provided a reasonable level of assurance that there was interest from the independent market to deliver day services including to those with highly complex needs;
- (ii) there was an ambition to help support the growth and development of the independent sector in this area of work;
- (iii) the Department was not looking to cease providing in-house CLC services. Instead it proposed to refocus them around its short breaks provision so that particular focus could be given to supporting carers through the delivery of a responsive seven day a week service, crisis management and supporting people to learn and re-learn skills to enable them to become more independent and re-join the CLC independent market.

Mrs Broadley CC asked the Committee to specifically note her opposition to the proposal for the Council to cease providing long term in-house day service packages. She said that in her experience the Council's day service and its staff had always been exemplary and expressed concern that private providers might not provide the same level of activities and the types of people that used the service often found change stressful. She suggested that the Council should continue but instead reduce its service and the number of buildings used, to reflect the drop in demand.

The Director thanked Mrs Broadley CC for her comments and confirmed that the Department was very proud of the day services it provided. However, he pointed out that in the past, day service and social care staff had left the Department to set up privately to provide day services and so were well aware of the needs of the people that the Council supported which provided a level of assurance.

RESOLVED:

- (a) That the update on the procurement of commissioned Community Life Choices services and consultation feedback received on the proposed changes to the provision of in-house CLC services be noted and the Committee's comments be submitted to the Cabinet for consideration at its meeting on 14 December 2021;
- (b) That, noting Mrs Broadley's opposition, the proposed way forward as set out in the report be supported.

40. Mandatory Covid-19 Vaccination for Workers in Care Homes.

The Committee considered a report of the Director of Adults and Communities which provided an update on mandatory Covid-19 vaccinations for people working in care homes, including anyone entering as part of their employment, and how the Council was supporting care home providers with this new requirement. The report also described the recently closed national consultation on proposals to extend mandatory vaccination for Covid-19 and seasonal flu to frontline health and wider social care staff in England. A copy of the report marked 'Agenda Item 12', is filed with these minutes.

Arising from discussion the following points arose:

- (i) Concern was raised that even a small percentage of care home workers declining the vaccination could have a detrimental effect on the workforce and on a sector that was already struggling with recruiting and retaining staff. The Director reported that the take-up of the vaccines in Leicestershire's care homes had increased since the report to the Committee had been written. The percentages for take-up amongst care home staff were now at 94.6% for dose 1 and 88.7% for dose 2. It was acknowledged that the gap for all care home workers to become fully vaccinated was still significant, but as the vast majority were on track to meet the requirements the risk of provider failure was considered to be low. Focus was therefore being given to ensuring care homes were able to deal with any residual challenges. Part of this focus included a significant amount of work being undertaken in respect of recruiting and retaining staff, for example some of the red rated care homes had increased staff wages to attract more recruits. Other mitigations included some homes looking at how they might restrict new admissions if this happened to be necessary and looking at the use of agency staff as a short-term solution to ensure residents' safety. Members noted that it was also expected that there could be a surge in the uptake of workers receiving their second dose nearer the final deadline as had happened nearer the first dose deadline.
- (ii) With regard to the National Government's consultation on mandatory Covid-19 vaccination of health and wider social care staff, it was acknowledged that a number of other vaccines such as for prevention against Hepatitis B were already a requirement of some health related roles, but the challenge with bringing in new

vaccination requirements from a social care perspective was that the process was relatively untested and there would not have been an expectation for existing workers to have the Covid-19 vaccine when signing up to their role. There was therefore a risk that any further requirements would put additional pressure on a sector that was already experiencing issues with recruiting and retaining staff.

- (iii) It was clarified that the deadlines around the mandatory vaccine requirements, including those in respect to the temporary self-certification process had been set by the National Government. The overlap of the deadline dates for the requirements for care home workers to become fully vaccinated by the 11 November 2021 and the deadline for when the temporary self-certification was due to expire on 23 December 2021 reflected the fast moving nature of the developments and related to the timing of when the Government was able to agree and release the relevant policies. For example, time had been needed to consider how to ensure that people with a genuine need could receive a medical exemption including pregnant women who might be hesitant to receive the vaccine during pregnancy. Members noted that a person requiring a temporary exemption after the self-certification expiry date would still be able to receive one so long as this was confirmed by the appropriate clinician.

RESOLVED:

That the contents of the report regarding the mandatory Covid-19 vaccination for workers in care homes and the national consultation on extending the requirement for vaccination to the wider health and social care workforce, to cover Covid-19 and seasonal flu vaccination, be noted.

41. Dates of Future Meetings.

It was noted that the next meeting of the Committee would be held on 24 January 2022 at 2.00pm and that future meetings would also be held at 2.00pm on the following dates in 2022:

March 7th
June 6th
September 5th
November 7th

2.00 – 4.19pm
1 November 2021

CHAIRMAN