

Minutes of a meeting of the Adults and Communities Overview and Scrutiny Committee held at County Hall, Glenfield on Monday, 5 September 2022.

PRESENT

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

Mr. B. Champion CC

Mr. J. Miah CC

Mr. N. Chapman CC

Mrs. A. Wright CC

Mr. L. Hadji-Nikolaou CC

In attendance

Mrs. C. M. Radford CC – Cabinet Lead Member for Adults and Communities

Mr. T. Parton CC – Cabinet Support Member

Gemma Barrow – Healthwatch Leicester and Leicestershire (via Microsoft Teams)

17. Minutes.

The minutes of the meeting held on 6 June 2022 were taken as read, confirmed and signed.

18. Question Time.

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

19. 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).

20. Urgent Items.

There were no urgent items for consideration.

21. 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.

No declarations were made.

Later in the meeting Mrs. A. Wright CC declared a Non-Registerable Interest and Other Registerable Interest in agenda items 9, 10, 11, 12, 13 and 14 (Adult Social Care Reform – Market Shaping and Charging Reform, Extra Care Service and Procurement, Initial Consultation Findings on Draft Leicester, Leicestershire and Rutland Carers' Strategy 2022-2025, Commissioning and Procurement of Home Care Services, Performance Report for Quarter 1 2022/23 (April – June) and Annual Adult Social Care Complaints and Compliments Report) as she was a health and social care solicitor and partner for

Browne Jacobson (minute 25 refers).

Mr. L. Hadji-Nikolaou also later declared a Non-Registerable Interest and Other Registerable Interest in agenda item 9 as he was a consultant for the NHS (minute 25 refers).

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

There were no declarations of the party whip.

23. Presentation of Petitions under Standing Order 35.

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

24. Leicestershire and Rutland Safeguarding Adults Board Annual Report 2021/22.

The Committee considered a report of the Director of Adults and Communities, the purpose of which was to seek its views on the draft Annual Report of the Leicestershire and Rutland Safeguarding Adult Board (LRSAB) for 2021/22. A copy of the report marked 'Agenda Item 8', is filed with these minutes.

The Chairman welcomed Ms. Fran Pearson, Independent Chair of the Leicestershire and Rutland Safeguarding Adults Board (SAB), to the meeting for this item.

Noting that the period being reported on was Ms. Pearson's final year in the role as the Independent Chair for the SABs, the Committee invited Ms. Pearson to give an overview of the three years she had held the post and her opinion on how Leicester and Leicestershire's position compared with other areas of the Country. In response, the following points were noted:

- (i) A key focus had been working to ensure a more joined up approach between the two local SABs and the various sub-groups, the process of which had been accelerated by the Covid-19 pandemic. It was felt that locally the strategic alignment between the various councils to enable urgent issues (such as responding to the needs of Ukrainian refugees) to be managed in a timely manner was exemplary.
- (ii) Over the years the Board had become more data driven to support a more strategic approach. The continuation of such an approach would be important, particularly when current and future priorities were being considered.
- (iii) The issues being identified by the local SABs were mostly similar to those of other partnerships across the Country. It was expected that most Boards would have a key priority identified in relation to 'self-neglect'. The local SABs referred to this as 'hidden harm' and there was concern that this issue, along with safeguarding issues in care homes, would become more relevant as time went on.
- (iv) Many SAB's across the Country were receiving a large number of Safeguarding Adult Review referrals. Leicestershire had been keen to trial a new process to improve the rate in which such reviews were conducted which had been welcomed. Whilst there had been some challenges adopting this new process,

those involved had felt the experience had been worthwhile and that much learning had been gained.

- (v) For a number of reasons children's services often benefitted from more frequent statutory guidance revisions. It was felt that adult services would very much benefit from the same approach.

In concluding her comments, Ms. Pearson offered thanks to Jon Wilson, the Director of Adults and Communities, for all of his support during her time as Independent Chair of the SAB.

Arising from discussion, the following points arose:

- (vi) In response to concerns raised by a Member around the lack of diversity in the group of people considered as subjects of the Safeguarding Adult Reviews (SARs), it was acknowledged that whilst a fair amount of engagement work had been undertaken during the period there was still more to be done locally to raise awareness of adults safeguarding in diverse communities. This was a key strategic priority in the joint LLR SABs Strategic Plan (Priority 4). An example of engagement work recently undertaken to raise awareness was that, as part of a joint campaign between the SAB and the Children's Safeguarding Partnership, a video had been produced which had been widely distributed and covered in the media.
- (vii) Looking ahead, plans were in place to progress the engagement work through an agreed set of principles with involvement from partners and the County's Health and Wellbeing Board. A key focus would be on reaching out to wider communities. Learning from some of the practices used by Leicester City was also being considered to determine any beneficial aspects to take forward for the County.
- (viii) It was confirmed that the outcomes of SARs were analysed to determine any patterns of issues in line with statutory guidance. However, in some parts this steered away from root cause analysis in its direct form. The analysis undertaken was usually contained in each individual case report and any learning identified published on the website of the relevant Board. In light of the comments now made consideration would be given to how information relating to SARs was presented in the Annual Report going forward.
- (ix) The Committee offered its thanks to Ms. Pearson for all the work she had undertaken during her time as the Independent of Chair of the SAB. The Chairman said that the way the SAB had moved forward with working strategically with partners was remarkable and something he had personally observed over time. The Lead Member offered her personal thanks for all the support Ms. Pearson had given to her and the Cabinet Support Member, including her input at regular meetings.

RESOLVED:

That the Annual Report of the Leicestershire and Rutland Safeguarding Adults Board for 2021/22 be welcomed.

25. Adult Social Care Reform - Market Shaping and Charging Reform.

*[Gemma Barrow from Healthwatch Leicester and Leicestershire left the meeting at this point and did not return to the meeting.]*

The Committee considered a report of the Director of Adults and Communities, the purpose of which was to provide a further update of the work being undertaken in preparation for the Government's planned Adult Social Care Reforms. The report set out the policy background to the Charging Reform and the key implications for adult social care in Leicestershire to set the current activity in context. It also provided information on the nationally mandated Fair Cost of Care analysis and Market Sustainability Plan which were intended to be submitted to the Cabinet for approval in September 2022. A copy of the report marked 'Agenda Item 9', is filed with these minutes.

Mrs. A. Wright CC entered the meeting at this point and declared a Non-Registerable Interest and Other Registerable Interest in agenda items 9, 10, 11, 12, 13 and 14 (Adult Social Care Reform – Market Shaping and Charging Reform, Extra Care Service and Procurement, Initial Consultation Findings on Draft Leicester, Leicestershire and Rutland Carers' Strategy 2022-2025, Commissioning and Procurement of Home Care Services, Performance Report for Quarter 1 2022/23 (April – June) and Annual Adult Social Care Complaints and Compliments Report) as she was a health and social care solicitor and partner for Browne Jacobson.

Mr. L. Hadji-Nikolaou also declared a Non-Registerable Interest and Other Registerable Interest in this particular item as he was a consultant for the NHS.

In introducing the report, the Director clarified that the Government's plan to introduce a new £86,000 cap on the amount anyone in England would have to spend on their personal care over their lifetime did not refer to an individual's 'total cost of care' but only to the components of any care package considered to be related to personal care. For example, daily living costs related to items such as food, rent, accommodation costs and electricity were not included (including those that the Local Authority provided support with).

Arising from discussion the following points arose:

- (i) Members noted with concern the severe financial impact the implementation of the Adult Social Reforms was expected to have on the Council's budget. As to how the £22m shortfall predicted over the next ten years would be offset, the Director emphasised that the figures cited in the report relating to cost were estimates at this stage. However, it was clear that any such shortfall would be a significant issue to manage. He explained that each local authority was undertaking the same exercises and making similar assumptions on the figures and finding a shortfall. The ways of managing this issue were not yet clear but through means such as taxation was possible.
- (ii) In response to a question regarding the table at paragraph 61 of the report, which summarised the areas and estimated figures of additional expenditure/funding resulting from the Adult Social Reform Programme, it was clarified that the figures pertaining to the period 2032/33 had been included to give an example of a period in the future when the implications were expected to stabilise.
- (iii) It was questioned how financial contributions made by an individual towards the cost for care cap would be tracked, for example, if they moved from one area of the Country to another. In response, Members noted that the Government was still working on the details to confirm how this would work in practice, particularly given that local authorities currently used a range of different care systems. However, the plan was for each individual approaching their local authority for support to

have their own care account set up which were expected to be portable and able to produce annual statements enabling the relevant financial information to be monitored by the appropriate users.

- (iv) There was no certainty at this time how the split between personal care costs and daily living costs would be determined and monitored. However, for the daily living costs element the Government had indicated that a national tariff of £200 would be set for the period of 2022/23.
- (v) In response to comments raised by a Member about the key proposal set out in the Government's "People at the Heart of Care" White Paper relating to local authorities and providers making the best use of Technology, Members were reminded of the work the Department had been undertaking, alongside Hampshire County Council and its strategic partner PA Consulting Group, to transform Leicestershire County Council's care technology services. This work was ongoing and expected to go a way to support the implementation of the Reforms, which would require extra systems to be in place. For example, further development of the Department's online care and financial assessments was something that was being considered in conjunction with the new care accounts process proposed under the Reforms.
- (vi) Whilst it was positive the 'quality of care' in Nursing Care Homes compared well with the national picture, it was questioned how the Department was seeking to address the bed capacity issues which it was commented had an impact on inpatient and secondary care delivered by the NHS. Members noted that the issue of the Council having a lower number of beds for a local authority of its size was historical. A key factor was the local care market being predominantly made up of larger providers which impacted funding and the care provision available. A further issue was that, in Leicestershire, the local NHS funded just half of the number of people for Nursing Care (FNC) when compared to comparator areas.
- (vii) It was confirmed that there were a number of areas the Department was working on in conjunction with the care market to help stimulate the nursing care provision available. This included work on nursing care costs and the potential to set a specific fee rate. It was also possible that a number of people placed in residential care might have otherwise been placed in nursing care which was a further area being considered.
- (viii) In regard to the Fair Cost of Care analysis it was confirmed that the survey issued to care homes would have been sent to every care home in Leicestershire. Though, it was important to note that a small proportion of these were not 'active' and the County citizens that resided in care homes in Leicester would be included in the City Council's analysis rather than the County's.
- (ix) It was clarified that the level of demand for long term residential care was relatively stable and potentially declining which was in line with the Department's Strategy to support people to live at home for longer and partly as a consequence of the Covid-19 Pandemic. However, it was possible that if growth relating to 'older people' increased over the coming years more provision would need to be available which would need reflecting in the County's Market Sustainability Plan at the appropriate time.

RESOLVED:

- (a) That the update regarding the work being undertaken to prepare for the Government's planned Adult Social Care Reforms be noted.
- (b) That the financial implications of implementing the Adult Social Care Reforms be noted with concern.
- (c) That the comments now made be submitted to the Cabinet for consideration at its meeting in September 2022.

26. Extra Care Service Review and Procurement.

The Committee considered a report of the Director of Adults and Communities, the purpose of which was to advise the outcome of a service review that had been undertaken on the Extra Care Service, engagement with residents and stakeholders that had been carried out, and the proposed changes, including the way in which elements of the Service were commissioned. The report also invited the Committee's comments on the proposed way forward. A copy of the report marked 'Agenda Item 10', is filed with these minutes.

Arising from discussion the following points were raised:

- (i) Regarding the proposed removal of the Wellbeing Services (£70 per week) charge to tenants, it was clarified that this only related to 'unplanned' care services and that any care needs assessed as ongoing would be deemed as 'planned' with costs charged under the relevant Local Authority system in the usual way.
- (ii) Members commented on the vital role Extra Care Services played in society as a whole and the support they offered to individuals and their families. It was pleasing to note that the Department was looking at the potential to expand Extra Care Services in the County to provide people with more options. Supporting Extra Care Service providers to take on people with more complex needs in a balanced way was part of the considerations being made.
- (iii) The Committee welcomed the report and confirmed its support for the proposed way forward.

RESOLVED:

That the report regarding the Extra Care Service Review and Procurement be noted and the proposed way forward be supported.

27. Initial Consultation Findings on Draft Leicester, Leicestershire and Rutland Carers Strategy 2022-2025.

The Committee considered a joint report of the Directors of Adults and Communities, Children and Family Services and Public Health, the purpose of which was to advise on the initial findings from the public consultation on the draft joint Leicester, Leicestershire and Rutland (LLR) Carers Strategy 2022-25. A copy of the report marked 'Agenda Item 11', is filed with these minutes.

Arising from discussion the following points were raised:

- (i) Considering the amount of engagement that had been undertaken locally, responses to the consultation had been disappointingly low overall. In response to a suggestion for messages for carers to be included in information packs handed out by the Voluntary and Community Sector (VCS) to various Health trusts, it was confirmed that the idea would be considered in terms of future engagement. Whilst the consultation had had a fair amount of coverage throughout the VCS the findings from the consultation received so far had highlighted the need to do more to get information and advice out to carers more widely, particularly where Primary Care was concerned. It was expected that once the new contract for the Carers Support Service (currently run by Voluntary Action South Leicestershire) was in place, further engagement work would be undertaken with the aim of bringing in different types of funding for the County to progress such actions forward.
- (ii) A Member commented that it was difficult to draw meaningful outcomes from the consultation with such a low response and suggested that engaging with people face to face might be best to gain a better response rate in future. The Director confirmed that face to face events had been held and that further information on the outcomes of these events would be included in the report due to be submitted to Cabinet in October 2022 which would present the full outcomes of the consultation.
- (iii) Regarding the identification of carers and holding the NHS to account for its responsibilities to progress the aims of the joint Strategy, it was confirmed that GPs had the responsibility built into their contracts to ensure that carers were identified and included on the designated register. Also, past feedback had confirmed that GP surgeries/Primary Care Services were the most suitable place for publicising information and advice for carers. However, as part of the Strategy refresh, consideration had been given to this approach and recent feedback had highlighted the need for the Department to perhaps widen the information it made available at other venues such as libraries which could prove useful.
- (iv) In noting the update, the Committee urged officers to find as many ways as possible to get the messages for carers out more widely through existing contracts and partnerships.

RESOLVED:

That the initial findings from the public consultation on the draft joint Leicester, Leicestershire and Rutland Carers Strategy 2022-2025 be noted.

28. Commissioning and Procurement of Home Care Services.

The Committee considered a report of the Director of Adults and Communities which provided an update on progress made on the procurement of home care services as previously requested by the Committee. The report also summarised the outcomes of the recent tender for integrated home care services in partnership with the NHS Clinical Commissioning Groups (CCGs) for the County to create additional capacity through a Framework of providers with effect from 1 November 2022. A copy of the report marked 'Agenda Item 12', is filed with these minutes.

Arising from discussion the following points arose:

- (i) Regarding the map at paragraph 23 of the report which showed the Home Care zones identified as challenging, it was clarified that the most challenging areas were those highlighted by text boxes. These were predominantly rural areas around the edge of the County.
- (ii) In response to a question regarding the incentives for people to work in such areas where it was suggested that travel was usually the issue, the Director confirmed that providers were paid premiums to provide care packages in rural areas. However, such payments did not always resolve the issue. For example, if there were staff shortages exception providers would be asked to cover at a higher cost to the Council. Members heard that the Department was continuing to look at ways to ensure enough capacity in rural areas. A pilot to cluster certain areas together and paying for staff journeys was one approach currently being explored.
- (iii) In terms of whether the premiums paid to providers filtered down into staff wages, it was confirmed that capacity for the County had increased considerably (by around 30%) at a time when nationally this had reduced which could suggest that the County's rates of pay (which varied by up to £7 an hour in rural areas) were favourable compared to other areas. However, it was recognised that this may not be true in all cases and could instead mean that higher profitability for providers was stimulating them to do more in terms of recruitment. The Director stated that finding a balance would be key, ensuring more work was undertaken to ensure that carers were paid appropriately and remunerated for any extra costs they incurred (such as travel), but also that providers were suitably stimulated to sustain the market. Members also emphasised the need to ensure continuity of care for service users.
- (iv) There were a number of reasons why 14% of the total current market capacity would not be on the Home Care for Leicestershire Framework. These reasons included care provider choice and being unsuccessful in their application to join the Framework. In response to a question raised, it was confirmed that even if full market capacity on the Framework was reached, demand for home care services would still likely outweigh service supply, so whilst the Department would continue to encourage new providers to join the Framework, the key to service delivery moving forward would be working with current providers to build and maintain their workforces and increase care supply in the most challenging areas.
- (v) The Committee was pleased to note the progress made to date and the plans in place to develop the Framework and mitigate assessed risks.

#### RESOLVED:

That the report providing an update on the progress made on the procurement of home care services be welcomed.

#### 29. Performance Report for Quarter 1 2022/23 (April-June).

The Committee considered a joint report of the Director of Adults and Communities and Chief Executive which provided an update of the Adults and Communities Department's performance during the first quarter (April to June) of 2022/23. A copy of the report marked 'Agenda Item 13', is filed with these minutes.



Arising from discussion, the following points were raised:

- (i) Whilst it was encouraging that the Department's performance regarding permanent admissions to care (aged 18-64) was "better than the latest national average or local target", it was important to note that the national information currently available and being compared against was that of the year 2020/21 (when the pandemic began) and so not a direct comparison for the quarter being reported on (i.e. quarter one 2022/23). A further update on the national context was expected by the time the next performance report was due to be produced which would enable a more up to date comparison to be made.
- (ii) Further points to note when considering performance on permanent admissions to care were that:
  - a. the Department was continuing to make good progress with the development of supported living accommodation to provide alternatives to residential care in line with its strategic objectives.
  - b. people were not ordinarily admitted into residential care until a full assessment of their care needs had been undertaken to confirm this was necessary. Therefore, anyone placed into temporary care whilst awaiting such an assessment would not fall into the permanent admissions figures but would be accounted for separately.
- (iii) It was positive to note that the increase to the 'hours of volunteering' was not only above the levels recorded last year but also above those seen prior to the Covid-19 pandemic.
- (iv) Regarding the gradual reduction in the number of E-loans from libraries, it was expected that the number would increase again. However, it was unlikely to be as high as the level seen during the Covid-19 pandemic given that physical visits had since resumed.
- (v) Members were pleased to see and offered thanks to officers for the changes made to enhance the appearance of the report following comments raised at the Committee's last meeting.

**RESOLVED:**

That the Adults and Communities Department's performance for the period during the first quarter of 2022/23 (April to June) be noted.

**30. Annual Adult Social Care Complaints and Compliments Report 2021/22.**

The Committee considered a report of the Director of Adults and Communities, the purpose of which was to provide a summary of the complaints and compliments for adult social care services commissioned or provided by the Adults and Communities Department in 2021/22. A copy of the report marked 'Agenda Item 14', is filed with these minutes.

In response to a question raised regarding the steps being taken to speed up the overall response rates to complaints:

- (i) Members were reminded of the additional review step that had been built into the complaints process not so long ago in recognition of the fact that some complaints previously forwarded to the Local Government and Social Care Ombudsman for

review had not been fully warranted which had a negative effect on response times. The extra step was to ensure enough consideration was given to a matter before determining which action to take. In light of this, improvements were intended to be made to the format of future annual reports presented to the Committee to provide a fuller picture of the steps taken to resolve complaints.

- (ii) Members were assured that the Corporate Complaints and Information Services Manager worked closely with the Department to ensure complaints were resolved in the timeliest way possible. However, it was acknowledged that continued pressures mostly related to the recovery of the pandemic had had an impact on the period being reported on. Though this was expected to be less of an issue going forward.

RESOLVED:

That the Annual Adult Social Care Complaints and Compliments Report for 2021/22 be noted.

31. Dates of future meetings.

It was noted that the next meeting of the Committee would be held on 7 November 2022 at 2.00pm and future meetings would be held at the same time on the following dates in 2023:

23rd January  
6th March  
5th June  
4th September  
6th November

2.00 – 4.09pm  
5 September 2022

CHAIRMAN