Minutes of a meeting of the Adults and Communities Overview and Scrutiny Committee held at County Hall, Glenfield on Monday, 6 March 2023.

PRESENT

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

Mr. B. Champion CC	Mr. L. Hadji-Nikolaou CC
Mr. N. Chapman CC	Ms. Betty Newton CC

In attendance

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

56. Minutes

The minutes of the meeting held on 23 January 2023 were taken as read, confirmed and signed.

57. Question Time.

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

58. 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).

59. Urgent items.

There were no urgent items for consideration.

60. Declarations of interest in respect of items on the agenda.

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.

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

There were no declarations of the party whip.

62. Presentation of Petitions under Standing Order 35.

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

63. <u>National Portfolio Status for Leicestershire's Libraries and Heritage Provision</u>

The Committee considered a report of the Director of Adults and Communities, the purpose of which was to provide information to the Committee on the Department's successful application to Arts Council England (ACE) for funding through the National Portfolio Organisation (NPO) programme for Libraries and Heritage provision. A copy of the report marked 'Agenda Item 8' is filed with these minutes.

Arising from discussion and questions, Members noted the following points:

i. The funding agreement had now been signed and the NPO programme agreed.

ii. Further information on the Library and Heritage Service and Creative Leicestershire could be found at https://www.cultureleicestershire.co.uk/

iii. The first year of the programme was well set, and work continued with the University of Nottingham to develop a cultural strategy and data strategy, starting with a symposium bringing other local authorities together that already had cultural strategies.

iv. There was work planned for websites in order to effectively share events and activities to more audiences.

v. Creative practitioners would be recruited, to engage with local people and involve them in co-curated community projects. The format of the projects would be determined once the groups had been formed.

vi. Planned in terms of Creative Expressions in libraries was the commissioning of at least two artists and residents to work within at least six libraries.

vii. For those areas without libraries and museums, there would be ongoing work with other heritage providers to deliver exhibitions and events. Contents of exhibitions would also be shared digitally so that people could access them from wherever they were in the County.

viii. The next phase of the programme would be a learning process, taking on board what had worked well and what had been less effective over the first year.

ix. When asked how the exhibitions would be presented to areas with no physical buildings, assurance was given that the project would be as fair and representative as possible, with digital solutions not only important in giving access to people across the County, but also access to those people who were less mobile. The importance of the community Connectors Group and Programme Board were also recognised, because part of their tasks was to make sure the Council was being as representative as far as possible. Work would continue in partnership with heritage groups and other cultural providers to maximize the funding.

x. Creative Leicestershire had a good network in supporting creative practitioners and artists that worked across the County and would be accessed for their expertise in terms of recruiting people and contacting local artists to bringing forward what communities wanted to achieve, matching assets and resources to deliver that.

xi.   Information on the specific targets in the NPO programme and information on the bid put forward would be provided to Members.

The Cabinet Lead Member, who would sit on the NPO Programme Delivery Board, assured the Committee that regular updates would be provided to scrutiny, and to other County Councillors on events in their areas.

RESOLVED:

a) That the report on the successful application to Arts Council England (ACE) for funding through the National Portfolio Organisation (NPO) programme for Libraries and Heritage provision be noted and welcomed.

b) That the Director be requested to circulate to the Committee after the meeting information on the specific targets in the NPO programme and information on the bid put forward.

64.   Market Sustainability Plan

The Committee considered a report of the Director of Adults and Communities, the purpose of which was to provide an update regarding the final Market Sustainability Plan (MSP) to be submitted to the Department of Health and Social Care (DHSC) at the end of March 2023. The report also provided update on the Fair Cost of Care (FCoC) exercise carried out by the Council and subsequent publication of associated information, and the Council's position in respect of uplifts to commissioned care package fees for 2023/24. A copy of the report marked 'Agenda Item 9' is filed with these minutes.

Arising from discussion and questions, Members noted the following points:

i.   Provider uplifts detailed within the report were the result of working both with the external sector and colleagues within the wider corporate teams to respond to inflation for the 2023/24 financial year, whilst appreciating it was a hard time for everyone in the country, including for care providers with them experiencing the national living wage (NLW) uplifts in April 2023 and circa 10% inflation levels. Providers had now been informed of the uplifted fees.

ii.   The MSP had been informed by the FCoC analysis on the care homes market, and home care market. Both reports set out the basics of the approach to ascertain FCoC in each market, main results, and assumptions made about profitability in the market.

The results of the FCoC were reasonably close to fees being paid, with the caveat that the FCoC exercise was somewhat flawed, for example, to say that the median costs of care value submitted by providers is the 'fair cost of care' is a gross oversimplification, and the home care response rate was very low and therefore the data and analysis of limited value

iii.   Research would appear to show that the NHS in Leicester, Leicestershire and Rutland (LLR) had a considerably lower number of people who were identified as requiring Funded Nursing Care and Continuing Health Care. compared with other Integrated Care systems nationally.

If those determinations were not being made, this calls into question the sustainability of the nursing care sector and could be one reason why there are significantly fewer nursing beds in Leicestershire than similar other areas. This also potentially affected the quality of care because providers require funding through the NHS to properly staff nursing care homes., This had been raised as a clinical risk with NHS colleagues and further analysis to better understand and address this issue is ongoing.

iv.   People who were previously self-funded in a home with fees higher than the Council rate and whose funding resources had depleted would become former self-funders. The Council would look at each individual case in a person-centred way for the wellbeing of the individual, with the Council exploring whether a third-party fee top up was available, whether it was appropriate to consider moving the person to another care home, or whether the Council funded the additional costs for the individual, with the outcome very often being the latter subject to negotiation with the care home.

v.   The average home care package was for 13 to 14 hours per week. At 20 to 30 hours per week this was still well below the median home care fee of £719.00 per week. The service worked in a people centred way, promoting 'Home First' to keep people in their own homes with care and support, and was better for the person's wellbeing and more cost effective.

vi.   In terms of the urban-rural continuum when comparing the County and the City Council approach, the City Council operated in a tight geographical care area which had a smaller effect on travelling costs unlike the County Council with more rural, widespread areas. Fee rates were structured at four levels, with rural and isolated areas having higher levels of fees. It was noted there were challenges for a provider to be able to provide two or three packages of care through a care run which could be spread out quite significantly.

vii.   Members were reassured that the Council was supporting rural and isolated areas, with a key piece of evidence being how long it took for people to get into care, which had been a significant problem in the past, and with people being more supported at home. Growth levels in the market had not been reflected in higher levels of growth in rural and urban areas, where there continued to be growth in home care.

viii. In terms of the residential care market, it was noted there was stability with sufficient beds in residential care, but with nursing care beds there was an issue about the size of the market, though the quality was very good. Members further noted that in order to bring more providers into the County to expand the market, as in any business providers would look to see whether or not there was a viable return and demand for the service they were offering. Whilst demand continued to be low, Leicestershire would not see any new market entrance, unless specifically aimed at people who could fund their own care. The home care market, with a fee structure, that pays higher fees in rural areas, is operating effectively.

RESOLVED:

a) That the report on the final Market Sustainability Plan (MSP) to be submitted to the Department of Health and Social Care (DHSC) at the end of March 2023 be noted.

b) That the update on the Fair Cost of Care (FCoC) exercise carried out by the Council, the subsequent publication of associated information, and the Council's position in respect of uplifts to commissioned care package fees for 2023/24 be noted.

c) That the Director be requested to provide updates on the position of the residential and nursing care market, and information on the distortion of nursing care bed numbers in comparison to other areas around the country.

65. Adult Social Care Assurance Self-Assessment

The Committee considered a report of the Director of Adults and Communities, the purpose of which was to seek the Committee's views on the Council's draft Self-Assessment, which was being developed in preparation for inspection by the Care Quality Commission (CQC) under the new assurance process introduced through the Health and Care Act 2022. It was proposed that the Committee would receive updates on the Self-Assessment and Improvement Plan every six months. A copy of the report marked 'Agenda Item 10' is filed with these minutes.

In introducing the report, the Director advised Members that the document was a viable self-assessment ready for 1 April 2023 when the new assurance process took effect and would be a live document updated on a regular basis to ensure it completely reflected the work being done at any given time.

Arising from discussion and questions, Members noted the following points:

i. From April 2023 the CQC would continue to pilot assessment methodology and would at the same time be developing profiles of each authority in the country, using information from social care, the NHS, and from a variety of other sources.

ii. Following on from the Committee's standalone workshop on 13 February 2023, the assessment document had been amended to reflect comments, one of which had been to make the document more concise and positive around Leicestershire and the services offered; its strengths being better celebrated.

iii. Content had been added regarding how people could access adult social care services, information about advocacy services, how people would be protected whilst waiting for an assessment, and other useful information which linked well to the CQCs framework. The document had been revised into a table format to make it easier to review.

iv. A further comment from the workshop had been to highlight dependencies on partner agencies, and so linking with discussions on continuing health care and funding nursing care determinations. At point 2.4 in the appendix to the report, it explored the issue further and highlighted how it could have led to fewer nursing care options in Leicestershire and included an improvement action for the Authority to explore. It was suggested that the Cabinet Lead member for Health be engaged on the self-assessment, to ensure that consistent messages were being shared, particularly with health partners.

v. A Member suggested that in order to improve access to information and advice about adult social care services, better use of district council communication channels and district council members could be made as outlined at point 1.14 of the appendix to the report.

vi.   Significant work was underway to engage with people with lived experience of social care services and to find out what they thought about how easy it was (or not) to access information, particularly on the Councils website. The team had engaged with learning disability locality group members who had provided substantial feedback on their experiences and any barriers faced. Feedback would be analysed and shared with colleagues to help inform the redesign of the website. Similar sessions would also be held with the Department's engagement panel members representing adult social care services or groups in looking at fact sheets on certain areas, such as adult social care finance, to see how easy it was to understand the information, or how they would approach topics on the website.

vii.   Having reviewed other council websites, it was suggested that there were opportunities to improve the layout of the County's own website, and time to introduce more video information to explain content, particularly to people who were more visual learners. It was noted that an external evaluation of the website would need to be commissioned corporately and that this was being explored.

viii.   Information had been added to the document which set out improvements made to the Safeguarding Adults Board in recent years, what it had achieved, such as the range of training, and resources it had developed in areas like hidden harm and risks to people with learning disabilities. This also showed a positive picture about training completion rates and the lead practitioner for safeguarding had been engaged to increase rates of staff completion of courses.

ix.   A Member asked if, when updates were brought before the Committee, amendments to the sections could be highlighted in the document.

x.   Members raised concerns regarding point 1.15 in the appendix to the report, which showed that in 2021/22 the Council ranked in the worst 25% of authorities for the percentages of service users and carers who reported they had as much social contact as they would like. It was noted that the figures were from a survey and that responses were subjective, in that social levels of contact might not necessarily have anything to do with social care, but might be social contact with family, friends and the community. Members were assured, however, that the Council would continue to work comprehensively with the resources it had, and with the voluntary and community sector to enable people to have more social contact where possible.

xi.   It was noted that in the report the Joint Strategic Needs Assessment figure for people that had dementia, 59.4% had a coded diagnosis. A Member requested that the document be amended to capture more information around diagnosis rates.

RESOLVED:

a) That the report on the Council's draft Self-Assessment, being developed in preparation for inspection by the Care Quality Commission (CQC) under the new assurance process, introduced through the Health and Care Act 2022 be noted.

b) That the Committee receive an update report on the Self-Assessment and Improvement Plan in six months, and thereon after when required.

c) That it be requested that amendments to the document be highlighted in future updates.

d) That the Director be requested that future documents be amended to make clearer information around diagnosis rates.

66. <u>Social Care Reform Programme Update</u>

The Committee considered a report of the Director of Adults and Communities, the purpose of which was to provide an update on the progress of the Social Care Reform Programme, particularly the re-focusing of the programme following the Government's postponement of the proposed Charging Reforms, which formed a key element of the programme, until at least 2025. A copy of the report marked 'Agenda Item 11' is filed with these minutes.

It was noted that a revised programme of works had been planned, reduced to three workstreams: CQC assurance process; Fair Cost of Care exercise and MSP report; improvement programme for adult social care finance. These were currently being examined, following which recommendations would be brought to Committee for comment. A Member suggested that rather than have a report brought to each Committee meeting, that a report on each of the three workstreams be presented as and when appropriate.

RESOLVED:

a) That the report on the progress of the Social Care Reform Programme, particularly the re-focusing of the programme following the Government's postponement of the proposed Charging Reforms until at least 2025, be noted.

b) That the Director be asked to provide separate reports on each of the three workstreams when appropriate.

67. <u>Date of next meeting.</u>

It was noted that the next meeting of the Committee would be held on Monday 5 June 2023 at 2.00pm.

2.00pm – 3.19pm   CHAIRMAN
06 March 2023