



Minutes of a meeting of the Adults and Communities Overview and Scrutiny Committee held at County Hall, Glenfield on Tuesday, 26 November 2013.

PRESENT

Mrs. R. Camamile CC (in the Chair)

Mr. M. H. Charlesworth CC

Mr. P. G. Lewis CC

Mr. S. J. Hampson CC

Ms. Betty Newton CC

Mr. D. Jennings CC

Mr. A. E. Pearson CC

Mr. J. Kaufman CC

Mr. R. Sharp CC

In Attendance.

Ms Fiona Barber, Healthwatch Leicestershire (minute 24 refers)

Mr R Blunt CC, Cabinet Lead Member for Heritage, Leisure and Arts (minute 22 refers)

Mr Paul Burnett, Independent Chair of the Leicestershire and Rutland Safeguarding Adults Board (minute 27 refers)

Mr D W Houseman MBE CC, Cabinet Lead Member for Adult Social Care (minutes 21, 23, 24, 26 and 27 refer)

14. Minutes.

The minutes of the meeting held on 3 September 2013 were taken as read, confirmed and signed.

15. Question Time.

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

16. 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).

17. Urgent Items.

There were no urgent items for consideration.

18. 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.

Mr D W Houseman MBE CC declared a personal interest in the item entitled 'Health Short Breaks for People with Learning Disabilities' as a member of Leicestershire Learning Disabilities Partnership Board (minute 23 refers).

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

There were no declarations of the party whip.

20. Presentation of Petitions under Standing Order 36.

The Chief Executive reported that no petitions had been received under Standing Order 36.

21. Medium Term Financial Strategy Effective Support Project.

The Committee considered a report of the Director of Adults and Communities which provided an update on the in-year financial pressures experienced by the Adults and Communities Department, particularly with regard to delivering the Effective Support project and the financial implications arising from this in the future. A copy of the report marked 'Agenda Item 8' is filed with these minutes.

The Chairman welcomed the Cabinet Lead Member for Adult Social Care, Mr D W Houseman MBE CC, to the meeting for this and other items. Mr Houseman noted that the savings targets set through the Medium Term Financial Strategy (MTFS) had been challenging and that the Adults and Communities Department needed to be open and realistic with regard to its ability in meeting these targets. Last year the Department had achieved an underspend of £4.55 million, this saving had contributed to the protection of other service areas such as highways maintenance. It was hoped that the Department could meet the savings over the proceeding four years as outlined in the MTFS.

Arising from discussion the following points were raised:-

- (i) The County Council was able to claim VAT back for services it commissioned. These were usually traditional services, such as, those provided by day centres which could be purchased on a large scale. However, where a service user had opted for an individual, tailored package of care, they would be required to pay VAT. Members expressed concern over this arrangement but were advised that the Department of Health had already raised the matter with HM Revenue and Customs. Local authorities had been required to absorb the additional costs into the budget for personalisation;
- (ii) With regard to checks and balances in place for the allocation of personal budgets, it was explained that service users were required to set up a bank account solely for the receipt of their personal budget. Guidance was issued to service users which advised that regular audits of their bank account would be undertaken. Service users were also subject to regular reviews to ensure that funding was being used for the purpose of providing a care package and enabled them to provide feedback. The County Council could not by law access a person's bank account to remove monies. However, it could obtain access to bank statements and freeze any future funding if it deemed that monies were not being used appropriately. The Committee requested that a report be submitted to a future meeting on the audit and monitoring process for direct cash payments for personal budgets;
- (iii) The Committee queried the circumstances which would lead to the County Council requiring a service user to pay back money that had been issued as part of a personal budget. It was explained that if a service user changed provider to a cheaper service or there was a delay to the start of the care package they could be

required to payback any subsequent unused monies to the County Council. The County Council also provided money to be used as a contingency fund in a crisis situation which was rarely used. This provision was to be reviewed. The County Council was also considering whether it should charge for managing personal budgets for service users;

- (iv) Care reviews took approximately 20 hours to complete, reflecting the increasing complexity of cases. Care packages provided were often jointly agreed between the County Council and NHS and this made it complicated to look at funding streams and translate this into any change to services. Once a care package was in place, a second review would also be carried out to ensure that the service user was in receipt of the best tailored services for their needs. Since the eligibility for service threshold had been raised from moderate to substantial and critical needs this also meant that the majority of cases were more complex than previously;
- (v) The £2.4 million of Health transfer funding agreed with the Clinical Commissioning Groups (CCGs) related to 2013/14. Regular conversations took place between the County Council and CCG's regarding the ongoing transfer of funds from the CCGs to the County Council;
- (vi) The possibility of identifying savings to offset the £3 million funding gap was being discussed, it was pointed out that such savings needed to be ongoing. The County Council was also seeking a solution corporately to help meet the savings requirements. The savings were challenging but a number of options had been identified to help make up some of the shortfall during 2013/14 and 2014/15.

RESOLVED:

- (a) That the report be noted;
- (b) That a report on the audit and monitoring process for direct cash payments for personal budgets be submitted to a future meeting of the Committee.

22. Update on the Implementation of the Libraries, Heritage and Arts Review Recommendations.

The Committee considered a report of the Director of Adults and Communities on the progress being made to implement the recommendations arising from the review of Libraries, Heritage and Arts (LHA) to make the required savings in line with the MTFS, and to highlight key achievements and emerging issues as a result of that implementation. A copy of the report marked 'Agenda Item 9' is filed with these minutes.

The Chairman welcomed the Cabinet Lead Member for Heritage, Leisure and Arts, Mr R Blunt CC, to the meeting for this item. Mr Blunt acknowledged that the Adults and Communities Department had already shown success in continuing to provide good services whilst making efficiency savings. The Department now sought to progress community partnerships, encouraging volunteering and community capacity and engagement.

Arising from discussion the following points were raised:-

- (i) It was explained to the Committee that many of the projects organised as part of Leicester's City of Culture Bid were still likely to be proceeded with despite the City of

Culture being awarded to Hull. It had been intended that cultural activities would take place across the County focusing on the market towns. It was hoped that the remains of King Richard III would be laid to rest in Leicester and as a result many of the displays at Bosworth Battlefield depicting the battle, social consequences of the battle and outlining the recent project leading to the finding of the remains in Leicester were being upgraded. The County Council was working closely with the City Council in this area;

- (ii) Since the last update report on progress of the LHA review in November 2012, work had been undertaken to implement measures based on the key strategic principles which had been identified through the Review. Partnerships were being built with communities and work had progressed in this area over the year. The County Council was also engaging with other local authorities to gather as much evidence as possible before coming to a decision on how to progress to the next stage of implementing the outcomes of the Review. The Committee asked officers to ensure that partnership working with the district councils was robust and allowed for the best possible access to services for members of the public;
- (iii) It was hoped that devolved delivery and community partnerships could be used to replace services no longer provided by the County Council. Options for commercial development and further review of opening hours were also being explored. Services would need to focus on periods where facilities were at their busiest. The County Council now had a good understanding of what could be expected from communities in helping to run LHA services and this put the Council in a better position to respond to the challenge to make savings;
- (iv) Members commended the services provided at the multi-access centre in Loughborough, this was the largest library in the County and had the most extensive opening hours. When reviewing opening hours of libraries the County Council needed to ensure that libraries were open where there was the greatest demand for services. Local authorities had a statutory duty to provide a free book service and as such libraries would always stock hard copies of books;
- (v) With regard to LHA volunteers, it was noted that the demography of volunteers had tended to change in recent years. Traditionally older people had been the main source of volunteers but now younger people were increasingly volunteering to gain experience in the work place. 40 disabled volunteers also worked in LHA services across the County. Standards were agreed locally between managers and volunteers. Paid staff made up the core workforce whilst volunteers worked more flexibly and provided support for community activities such as plays and book fairs. The Committee recognised the importance of the work that volunteers undertook and the vital role that they played in communities across the County;
- (vi) Officers outlined the 'Century of Stories' project which was a £420,000 project to commemorate the First World War, planned to coincide with the centenary next year of the outbreak of the conflict. A Century of Stories would see displays and exhibitions touring libraries and community centres across Leicestershire over four years beginning in August 2014. The project was designed to give communities an empowered approach to heritage and allow people to reflect on the common purpose of the First World War. The project hinged on the County Council securing a £315,000 grant from the Heritage Lottery Fund;
- (vii) Members suggested that it would be useful to have a breakdown of the categories of books and other items issued by libraries.

RESOLVED:

- (a) That the report be noted;
- (b) That information on the categories of books and other items issued by libraries be circulated to all members of the Committee.

23. Health Short Breaks for People with Learning Disabilities.

The Committee received a joint report from West Leicestershire Clinical Commissioning Group and the Director of Adults and Communities which provided members with an update on the progress of the Learning Disabilities Health Short Break Pilot Peripatetic Project and set out the findings in the context of future adult social care and health short break strategy development. A copy of the report marked 'Agenda Item 10' is filed with these minutes.

The Cabinet Lead Member for Adult Social Care, Mr D W Houseman MBE CC, explained that the health short breaks service was vital and had the potential to be reconfigured to reduce costs whilst still providing a much needed service for those with learning disabilities and their carers. He explained that there would be no change to the current service without full engagement with families and those who used the service.

Arising from discussion the following points were raised:-

- (i) It was noted that there was an occupancy level of approximately 76% for people who accessed the County Council's short break residential provision. In order to improve occupancy rates, there was a need to look across a range of resources and balance the current bed based service with other options for short breaks. The County Council and the NHS would need to develop more integrated services which would ensure the best outcomes for service users whilst being more cost effective than current provision;
- (ii) The pilot had not been successful; uptake had been low and in order to operate at all, the pilot had been offered as an addition to the bed based service. This had not been cost effective. The Committee was pleased to note that the pilot would not be taken forward and that the current bed based service would continue until an appropriate alternative was put forward.

RESOLVED:

That the report be noted.

24. Adults and Communities Local Account 2012/13.

The Committee considered a report of the Director of Adults and Communities which provided members with a progress report on the third Adults and Communities Local Account and invited the Committee to make comments on the content and format of the Local Account. A copy of the report marked 'Agenda Item 11' is filed with these minutes.

The Cabinet Lead Member for Adult Social Care, Mr D W Houseman MBE CC, highlighted the Hospital2Home Hamper Scheme which provided a basic food parcel for elderly and vulnerable people returning home from hospital. This scheme, which had

received positive feedback, was jointly funded by the County Council and the NHS and aimed to reduce hospital re-admissions.

The Chairman welcomed Ms Fiona Barber, Healthwatch Leicestershire, to the meeting for this item. Ms Barber advised the Committee that Healthwatch recognised how the Local Account had developed and improved over the last three years and that the information that it contained was well presented and readable for members of the public. The County Council had engaged with Healthwatch in producing the Local Account. Healthwatch would hope to see some of the areas for improvement identified through the Local Account followed up in next year's Local Account to give members of the public and service users a fuller picture of how services were developing and improving.

Arising from discussion the following points were raised:-

- (i) An easy read version of the Local Account and an overview leaflet were being produced to allow members of the public to access the relevant information more easily and quickly. Healthwatch was being consulted on the most effective methods of distributing this information to the public. In producing the Local Account officers had tried to ensure that the information provided was readable and engaging. More detailed departmental performance information and benchmarking indicators were available on the County Council's website. Some of this information could be included in future Local Accounts if appropriate;
- (ii) Members suggested that future versions of the Local Account should include the objectives behind delivering a particular service and whether those objectives had been achieved;
- (iii) With regard to recording complaints, it was explained that those resulting from a change in policy were not dealt with in the same way as service complaints.

RESOLVED:

That the report be noted.

25. Quarter 2 2013/14 Performance Dashboard Report.

The Committee received a report of the Director of Adults and Communities which provided members with an update of Adults and Communities Department performance at the end of quarter two of 2013/14. A copy of the report marked 'Agenda Item 12' is filed with these minutes.

Arising from discussion the following points were raised:-

- (i) It was noted that the report highlighted areas for improvement and was not representative of performance across the whole range of indicators. Performance across the Department was generally good, for example satisfaction rates were in the top quartile when compared with performance across England. Action plans were in place for key local priorities identified for improvements, such as personal budgets. Where there was national benchmarking and the County Council was in quartile three, it was explained that generally the Council found itself at the midway point. However, exact performance varied from indicator to indicator;
- (ii) The Committee noted that the number of safeguarding adults' referrals had increased over the previous year and queried the mechanisms in place to increase performance

in this area. It was explained that progress had been made with the number of referrals completed within 28 days, although the Department would continue to focus on improvement in this area;

- (iii) The Committee noted that the adult learning success rate had improved and queried how this was measured. It was explained that a variety of factors such as the number of adults enrolling on courses and the number successfully completing courses formed the basis of the performance indicator. More information on this performance indicator could be provided if required.

RESOLVED:

That the report be noted.

26. Association of Directors of Adult Social Services Sector Led Improvement and Peer Challenge Review November 2013.

The Committee considered a report of the Director of Adults and Communities which provided an update on the Association of Directors of Adult Social Services (ADASS) Sector-Led Improvement approach in the East Midlands, with specific detail about the self-assessment and peer review elements of the process. A copy of the report marked 'Agenda Item 13' is filed with these minutes.

Informal feedback from the Peer Review had been positive. The culture and leadership had been commended and the financial challenge facing the Department and complexity of partnership arrangements had been recognised. Formal feedback from the peer review would be circulated to the Committee once it was available.

The Cabinet Lead Member for Adult Social Care, Mr D W Houseman MBE CC, advised the Committee that he and Mrs J Dickinson CC, Cabinet Support Member for Adult Social Care, had been selected to participate in the Peer Challenge Review and had been interviewed by members of the Review Team.

Arising from discussion the following points were raised:-

- (i) The Committee noted that the employment of people with learning disabilities remained significantly low and in the bottom quartile for 2012/13. It was explained that it was often difficult to integrate people with learning disabilities into the workforce and this was something that the County Council needed to address. Previously the Council had operated the 'Breaking Barriers' scheme and sheltered workshops with limited success. Those people who were under social care review needed to be helped into employment by the County Council;
- (ii) The Committee queried the opening hours of the Crisis Response Service which was designed to try to divert people away from acute care and provide social care support in urgent situations for a period of 72 hours or less. Although this service was not 24 hours it was available 7am to 10.30pm, seven days a week. It was noted that these hours adequately catered for the vast majority of cases, although performance would be monitored;
- (iii) Members commended the Department's openness and honesty. It was noted that the Department had undergone significant change at a time where savings requirements were challenging. Nevertheless, it was committed to improving performance. Key priorities for improvement would be reflected in the Department's Business Plan.

RESOLVED:

- (a) That the report be noted;
- (b) That the formal letter providing feedback from the Peer Challenge Review be circulated to members of the Committee once available.

27. Safeguarding Adults Board Annual Report 2012/13.

The Committee considered a report of the Director of Adults and Communities which provided members with an opportunity to scrutinise the Annual Report of the Safeguarding Adults Board (SAB) and to consider any points that they wished to draw to the attention of the Cabinet. A copy of the report marked 'Agenda Item 14' is filed with these minutes.

The Chairman welcomed Paul Burnett, Independent Chair of the Leicestershire and Rutland Safeguarding Adults Board, to the meeting for this item.

The Cabinet Lead Member for Adult Social Care, Mr D W Houseman MBE CC, advised the Committee that he and the Director of the Adults and Communities Department, Mick Connell, were both members of the SAB. It was expected that the SAB would become statutory through the enactment of the Care Bill in 2014. Mr Houseman CC gave his thanks to Paul Burnett for chairing the SAB.

Arising from discussion the following points were raised:-

- (i) The Committee noted that the Annual Report was comprehensive and a valuable tool in setting out the work undertaken in relation to adult safeguarding in 2012/13. However, there was some concern raised that the report might be difficult to understand for the lay person. It was explained that a brief overview report had been produced which would be issued with the Annual Report;
- (ii) The SAB had met four times and issues had been raised regarding non-attendance of some board members and the failure to arrange for a substitute. It was vital to get all those agencies represented on the SAB present at meetings to get a better overall picture of safeguarding issues. As a result of the issues raised, a protocol had been drawn up regarding board member attendance at meetings. Where a board member missed two or more meetings the Chief Executive of their organisation would be notified. A substitution protocol had also been put in place;
- (iii) The Committee noted that there was no private sector representation on the SAB. It was explained that the SAB had tried to establish private sector representation on the Board but as it was not yet a statutory body it could not require private organisations to attend meetings. However, the SAB was provided with information from the Care Quality Commission (CQC), especially when the CQC undertook inspections. Any data received was inclusive of all settings, including the private sector. The County Council had a duty of care for all Leicestershire residents and to that end would work with all providers of residential care. The local authorities and local NHS bodies kept a register of alerts in all care homes which was updated on a weekly basis. The County Council also worked closely with EMCARE, the local association of care home providers;

(iv) There was a clear procedure for dealing with safeguarding referrals and a rigorous monitoring process was in place. There had been an increase in the number of referrals from residential and nursing homes largely due to a better awareness of any potential abuse and a better reporting system. The local authority had a duty to safeguard all residents in homes. If issues were identified in a home, action would be taken by the Contract Compliance Team to ensure standards were met and the Quality Improvement Team (QIT) would work with providers to improve quality. A suspension of placements on the home could be put in place where serious concerns were identified. Areas for improvement in homes could also be identified through the CQC, which had the power to close a care home in extreme circumstances. The County Council held regular meetings with the CQC to outline any issues in homes and worked with the CQC where major improvement work was required. Meetings with local NHS bodies were also being arranged to discuss health and social care issues jointly.

RESOLVED:

- a) That the report be noted;
- b) That the comments now made be drawn to the attention of the Cabinet.

28. Deprivation of Liberty Safeguards Annual Report.

The Committee received a report of the Director of Adults and Communities informing members of the work undertaken by the Deprivation of Liberty Safeguards (DoLS) service on behalf of the three local authorities and the local Clinical Commissioning Groups (CCGs). A copy of the report marked 'Agenda Item 15' is filed with these minutes.

The Committee welcomed the report and recognised the importance of the DoLS service in ensuring the best possible outcomes for people who lacked the capacity to consent to arrangements for their care and treatment. Through the DoLS service the County Council needed to ensure that the appropriate checks and balances were in place at all times;

RESOLVED:

That the report be welcomed.

29. Date of next meeting.

It was noted that the next meeting of the Committee would be held on 21 January 2014 at 2pm.

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