

**ADULT SOCIAL CARE AND PUBLIC HEALTH POLICY
OVERVIEW AND SCRUTINY COMMITTEE**

MINUTES of a meeting of the Adult Social Care and Public Health Policy Overview and Scrutiny Committee held in the Council Chamber, Sessions House, County Hall, Maidstone on Thursday, 7 July 2011.

PRESENT: Mr C J Capon (Chairman), Mrs V J Dagger (Vice-Chairman), Mr R E Brookbank, Mr L Christie, Mrs P T Cole, Mr N J Collor, Mr J M Cubitt, Mr C Hibberd, Mr M J Jarvis, Mr S J G Koowaree, Mr C P Smith and Mr C T Wells

ALSO PRESENT: Mr G K Gibbens and Mr P W A Lake

IN ATTENDANCE: Mrs M Howard (Assistant Director of Adult Social Services), Ms M Peachey (Kent Director Of Public Health) and Miss T A Grayell (Democratic Services Officer)

UNRESTRICTED ITEMS

21. Membership

(Item A2)

Members noted that Mr L Christie and Mr C Hibberd had joined the Committee in place of Mr G Cowan and Mrs A D Allen respectively.

22. Minutes of the meeting held on 7 April 2011

(Item A5)

RESOLVED that the minutes of the final meeting of the former Adult Social Services Policy Overview and Scrutiny Committee, held on 7 April 2011, are correctly recorded and they be signed by the Chairman.

23. Oral updates by Cabinet Member, Director of Public Health and Assistant Director of Adult Social Services

(Item A7)

Mr Gibbens gave an oral update on the following:-

- a) he has recently been elected as Chairman of the South East Councils Adult Social Care, which is made up of Lead Members in the South East Counties.
- b) Residential Care Homes Closures are progressing one by one. Separate briefings are being arranged for local Members.
- c) Health and Wellbeing Boards. He and the Cabinet Member for NHS Transition have visited GPs and NHS partners. Kent will be an early adopter and a shadow Board will exist from April 2012.
- d) Thanet Good Day Programme Formal Consultation – a major consultation on services for people with learning disabilities has now commenced.

- e) Transition and Integration Event on 16 June for Health Staff. A paper on Public Health transition will be going to full Council on 21 July.
- f) The Dilnot Report had been published this week, and meetings will take place with officers to identify the likely impacts for Kent. A report on this will be made to the next meeting of the POSC, and a briefing for all KCC Members was also suggested.
- g) Changing the POSC's name to reflect the portfolio title; Adult Social Care and Public Health. County Council will be asked to agree to change the name on 21 July.

Mrs Howard gave an oral update on the following:-

- a) Director Posts - the final interviews for the Corporate Director posts will take place on 11 July. Mark Lobban has been appointed-Director of Strategic Commissioning, and Penny Southern the Interim Director of Learning Disability and Mental Health.
- b) Much work is still going on around reviewing in-house services as the Directorate moves to a Strategic commissioning function.
- c) CQC home closures.
- d) Southern Cross update. KCC is working with Southern Cross to help residents and their families to understand the issues and likely impact around the organisation's financial difficulties, with the aim if possible of avoiding moves.
- e) Adults part of the Directorate update through the transition.
- f) The new Broadmeadow short stay beds and day centre and integrated services facility will formally open this week, offering a centre of excellence for people with Dementia. POSC Members are encouraged to visit.

Ms Peachey gave an oral update on the following:-

- a) GP Commissioning Change to Clinical Commissioning Groups.
- b) Change to the timescale for Strategic Health Authorities and Public Health England to be established, moved back from December 2012 to April 2013.
- c) Local preparation for GP Commissioning Consortia, of which there are expected to be fewer than previously thought – perhaps 5. These will now be called Clinical Commissioning Groups.
- d) The configuration of these Clinical Commissioning Groups will change further, and the Health and Wellbeing Boards will have a say on this.

24. Non-Residential Charging Policy Changes - update

(Item B1)

Mr M Thomas-Sam, Head of Policy and Service Standards, was in attendance for this item.

1. Mr Thomas-Sam presented a series of slides which set out the reasons for the proposed changes and a summary of them, some examples to illustrate the old and

proposed new charging schemes and the responses received so far to the consultation process. Mr Thomas-Sam and Mrs Howard responded to comments and questions from Members. The following points were highlighted:-

- a) the proposed changes to the non-residential charging policy should not be confused with any change to eligibility criteria, which Kent was committed to keeping as 'moderate';
- b) feedback from the consultation exercise will be made available to Members, and will be in the public domain prior to when the issue is discussed at Cabinet and by the POSC prior to the Cabinet Member taking a decision; and
- c) the consultation is concentrating on ensuring stakeholders understand the detail of the proposals and are able to explain what they believe the likely impact may be on them.

2. Members expressed concern that the POSC would not have the opportunity to discuss the issue again before it was considered by Cabinet, as the POSC meeting falls on the day after the Cabinet meeting. The Chairman and Cabinet Member reassured Members that the decision would be taken by the Cabinet Member, rather than by the full Cabinet, and that the POSC would have an opportunity to discuss the consultation outcomes and put forward views before the decision is ultimately taken. Mr Gibbens gave a commitment that he would listen to the views expressed both by his Cabinet colleagues on 19 September and the POSC on 20 September when taking the decision later that day, and emphasised that his decision would be taken in the light of the comments made at the earlier meetings. Members welcomed the opportunity to discuss the issue again at the POSC's September meeting.

3. RESOLVED that the information set out in the presentation and given in response to Members' comments and questions be noted, with thanks.

25. Relationship with the Voluntary Sector

(Item C1)

The Cabinet Member, Mr G K Gibbens, declared an interest in this item as his wife is the Assistant Manager of the Canterbury Volunteer Bureau. He stated that he would not make any comment on this item, and if any comment were needed, it would be made by the Deputy Cabinet Member, Mr P W A Lake.

Mr R E Brookbank also made a general declaration of interest in this item as he is involved in several voluntary organisations.

Ms C Sacco, Interim Director of Strategic Commissioning, was in attendance for this item.

1. Ms Sacco introduced the report and responded to comments and questions from Members. The following points were highlighted:-

- a) Members were assured that the KCC had taken legal advice on its new position, and that contracts with the voluntary sector would be entered into only after such advice had been taken;

- b) some Members expressed concern that the new contract arrangements and responsibilities might deter some people from taking on the voluntary role of trustee. Ms Sacco undertook to deal with Members' specific concerns outside the meeting;
- c) Members also expressed concern that the voluntary sector might soon arrive at a crisis point, as it was inevitably being asked to deliver more with fewer resources;
- d) voluntary bodies will receive KCC support to help them bid for grants, and training will be provided to help them understand their new role. Change must necessarily be gentle, and take into account the great value of the work undertaken by the voluntary sector;
- e) the response of the voluntary sector to the changes has so far been very positive; and
- f) Members would need to have much more information to help them understand the complexities of the different types of funding arrangements available.

2. Mr Christie proposed that the POSC should not simply note the report, as requested, but place on record its concerns about the changes and the impact they would have on the work of the voluntary sector, and that a further report be made to the a future meeting of the POSC to allow Members to discuss the consequences and impact of the changes. This was generally agreed.

3. RESOLVED that:-

- a) the information set out in the report and given in response to Members' comments and questions be noted, with concern; and
- b) a further report be made to a future meeting of the POSC, to allow Members to discuss the consequences and impact of the changes.

26. KCC Health Inequalities Strategy Update *(Item D1)*

The Chairman sought and received the Committee's agreement to consider this item as urgent business, as the papers had not been placed on public deposit with the required five clear days' notice.

Ms D Smith, Policy Officer, was in attendance for this item.

1. Ms Peachey introduced the report and explained that, under the new changes affecting public health, KCC would take on responsibility for addressing the issue of health inequalities. A Working Group had been established and the Plan produced to set out how this new responsibility would be approached. Ms Peachey and Ms Smith responded to comments and questions from Members. The following points were highlighted:-

- a) one challenge in addressing this issue is a difficulty in identifying who is using health services and what outcomes these people achieve;
- b) two recent reports, by the Christie Commission in Scotland and by the Local Government Association, have identified the importance of identifying and tackling health inequalities early in a person's life;
- c) it would be important to be able to demonstrate county-wide improvement. Kent, as a large and very diverse county, has a broad range of health inequality issues, which will in turn need a range of different measures to address them; and
- d) housing is a key factor in health inequality, so investment in good housing will be key. Inspiration and creativity in approaching the subject will be as important as financial input.

2. Ms Peachey suggested that a briefing session be arranged to introduce Members to the health inequalities strategy in more depth, and that regular updates be made to keep Members apprised of its progress.

3. RESOLVED that:-

- a) the information set out in the report and given in response to Members' comments and questions be noted, with thanks; and
- b) the course of action being taken by the Health Inequalities Working Group be agreed in principle.

27. Proposal for the alignment of PCT public health staff to KCC, and associated Memorandum of Understanding.

(Item D2)

1. Ms Peachey introduced the report and explained that the KCC had taken the initiative to move ahead early on this issue rather than wait until April 2012. The Primary Care Trusts have confirmed that they are happy with the Memorandum of Understanding, which has also been seen by the KCC Cabinet and will be considered by the full Council on 21 July. Members of the POSC were being given the opportunity to discuss and have an early influence on the wording of the Memorandum of Understanding.

2. RESOLVED that:-

- a) the information set out in the report and given in response to Members' comments and questions be noted, with thanks; and
- b) the wording of the Memorandum of Understanding be amended to reflect Members' comments, ie on the inclusion of specific officers' names, and to clarify the role of Adult Social Services.

28. Draft Kent Annual Carers Report

(Item E1)

Mr M Thomas-Sam, Head of Policy and Service Standards, and Miss N Hill, Policy Officer, were in attendance for this item.

1. Mr Thomas-Sam introduced the report and he, Miss Hill and Mrs Howard responded to comments and questions from Members. The following points were highlighted:-

- a) it has been difficult to compare some of the data included in the report with data for previous years, particularly for national trends, as the method of measurement has changed;
- b) similarly, figures for the use of day services in East and West Kent are difficult to compare, and appear to be very different as services have historically been categorised differently in the two areas; and
- c) Members welcomed the report and offered to send more detailed comments to officers after the meeting.

2. RESOLVED that the information set out in the report and given in response to Members' comments and questions be noted, with thanks, and the draft Annual Carers Report be endorsed.

29. Adult Social Services Directorate/Portfolio Financial Outturn 2010/2011 *(Item E2)*

The Chairman sought and received the Committee's agreement to consider items E2, E3 and E4 as urgent business, as the papers had not been placed on public deposit with the required five clear days' notice.

Miss M Goldsmith, Finance Business Partner, was in attendance for this and the following two items.

1. Miss Goldsmith introduced the report and responded to comments and questions from Members, which will also be referred to the Budget IMG for this POSC when it meets for the first time on 28 July, at which they can be examined in more depth. The following points were highlighted:-

- a) Members expressed concern about the substantial fluctuation in spending on services for people with learning disabilities. It was explained that budget allocations were based on anticipated needs, which were not always borne out by subsequent patterns of service use through the year. Changes in patterns of service use would inevitably have a knock-on effect; for example, if more people with learning disabilities moved into the community, the spend on residential services would decrease, and vice versa. In Kent, learning disability was traditionally a volatile area in terms of service demand and, hence, spend; and
- b) the planned and actual spend on all capital projects, over the lifetime of those projects (*shown in Table 3 on page 9 of the report*) did not show any change in costs over the period listed. This is because the

forecasts of spend are long-term and made to cover a five-year period, and no variation had yet arisen.

2. RESOLVED that the information set out in the report and given in response to Members' comments and questions be noted, with thanks, and the comments made be referred to the POSC's Budget IMG.

30. KASS Debt Position, June 2011

(Item E3)

1. Miss Goldsmith introduced the report and responded to comments and questions from Members, which will also be addressed at the meeting of the Client Debt IMG on 11 July, at which they can be examined in more depth. The following points were highlighted:-

- a) it would be helpful for Members to know how much of the KCC's client debt is more than two years old, and how well recent debt is managed and, if possible, minimised. An ideal situation would be for both old and new debt to be recovered and reduced as far as possible;
- b) however, the KCC should guard against spending excessive resources on pursuing old debt which it is very unlikely to be able to recover; and
- c) Members were assured that the notes of the IMG meeting on 11 July would be included in the meeting papers for the POSC's September meeting, so the information in them would become public at that time.

2. RESOLVED that the information set out in the report and given in response to Members' comments and questions be noted, with thanks, and the points raised be addressed at the meeting of the Client Debt IMG on 11 July.

31. 2011/2012 Budget Savings

(Item E4)

1. Miss Goldsmith introduced the report and presented a series of slides which set out more detail on progress against those budget savings for which progress was currently rated 'amber' or 'red'. Miss Goldsmith and Mrs Howard responded to comments and questions from Members, and the following points were highlighted:-

- a) some savings identified were too small to have a project initiation document (PID) prepared for them. Figures for the total savings given in the report and shown on the slides were different as one total included these smaller savings and the other did not;
- b) to address savings in placement costs for people with learning disabilities and physical disabilities, KCC was liaising with service providers to review the most expensive placement types first;
- c) the KASS budget was largely demand-led and hence liable to constant change, so to compare progress on savings being made by KASS to those being made by other Directorates was difficult; and

- d) having been advised that it would not be possible to deliver all of the £1,477m target increase in non-residential charging which KASS had been set, and that savings would have to be made elsewhere to make up the difference, Members expressed concern about where these other savings would be made. Miss Goldsmith explained that it was still early in the financial year and final savings could only be estimated at this stage. Savings would be looked at in the round. Mrs Howard assured Members that no service would be cut to help absorb a shortfall in savings elsewhere without the proper process being followed. Members were offered the opportunity to discuss specific concerns with officers outside the meeting.

2. Mr Gibbens reassured Members that ongoing monitoring of savings was an important part of his role and that he would work closely with officers to achieve the savings. A report on progress would be submitted to every meeting of the POSC so Members have a chance for ongoing scrutiny.

3. RESOLVED that the information set out in the report and given in response to Members' comments and questions be noted, with thanks, and that further update reports be made to every subsequent meeting of the POSC.

32. Kent Environment Strategy Update *(Item E5)*

Ms C McKenzie, Greener Kent Manager, was in attendance for this item.

1. Ms McKenzie introduced the item and highlighted the progress KASS had achieved in introducing changes in its own premises and in clients' homes. She encouraged Members to contact her team and become involved in the changes.

2. One Member expressed the view that such an important topic, on which Members were being asked to discuss and agree priorities, needed more time than could be afforded to it at the end of a long agenda. It was possible for Members to welcome the report put before them, but not to agree it without time for discussion. Such an important subject required a stronger recommendation by which the POSC could influence future action.

3. Mr Gibbens reassured Members that he would always take notice of points made and views expressed in POSC meetings and take them forward in his role as Cabinet Member.

4. RESOLVED that report be welcomed and the information set out in it be noted.

33. End of Year Performance for Adult Social Services 2010 - 2011 *(Item E6)*

Mrs S Abbott, Head of Performance and Management Information, was in attendance for this item.

1. Mrs Abbott introduced the report and she and Mrs Howard responded to comments and questions from Members. The following points were highlighted:-

- a) the update includes progress on performance for county-wide indicators (eg relating to the Contact Kent call centre) as well as indicators which relate specifically to particular Directorates;
 - b) progress against indicator NI 130 does not make clear how many people take up a Direct Payment. Members were reassured that use of a Direct Payment is entirely voluntary for those clients for whom it is suitable, which is by no means all clients. NI 130 had been re-worded to include all types of Personal Budgets, not just Direct Payments. Officers offered to advise Members of the figures for Direct Payments outside the meeting; and
 - c) progress against indicator NI 136 does not include a figure for the number of people who return to their own home without a care package, so gives the impression that the KCC supports fewer people. Some people may not actually need any care package, and to include this figure alongside the others would present a fuller picture and emphasise the more positive aspect that does not show up currently. The required method of reporting does not give scope to reflect this fuller picture.
2. RESOLVED that the information set out in the report and given in response to Members' comments and questions be noted, with thanks, and Members' comments on the reporting of indicators NI 130 and NI 136 be taken into account in future years.

34. KCC's Performance Management Framework - Delivering Bold Steps *(Item E7)*

Mrs S Garton, County Performance and Evaluation Manager, was in attendance for this item.

1. Mrs Garton introduced the report, which set out the outcomes of the Members' workshops held in May 2011. The draft milestones and measures document was presented for the POSC to note and would then be considered by Cabinet on 18 July.
2. RESOLVED that the information set out in the report be noted, with thanks.

35. Update on Select Committee Work *(Item G1)*

RESOLVED that the information set out in the report be noted, with thanks.