

## KENT COUNTY COUNCIL

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### SOCIAL CARE AND PUBLIC HEALTH CABINET COMMITTEE

MINUTES of a meeting of the Social Care and Public Health Cabinet Committee held in the Darent Room, Sessions House, County Hall, Maidstone on Friday, 9 November 2012.

PRESENT: Mr C P Smith (Chairman), Mrs A D Allen (Vice-Chairman), Mr R E Brookbank, Mr N J D Chard, Mr L Christie, Mr K A Ferrin, MBE, Mr C Hibberd, Mr M J Jarvis, Mr J D Kirby, Mr S J G Koowaree, Mr P W A Lake and Mr A T Willicombe

ALSO PRESENT: Mr G K Gibbens and Mrs J Whittle

IN ATTENDANCE: Mr A Ireland (Corporate Director, Families and Social Care), Ms M Peachey (Kent Director Of Public Health), Mr M Lobban (Director of Strategic Commissioning), Ms M MacNeil (Director, Specialist Children's Services), Mr A Scott-Clark (Director of Health Improvement (KCC), NHS Kent and Medway), Ms P Southern (Director of Learning Disability and Mental Health), Mrs A Tidmarsh (Director of Older People and Physical Disability) and Miss T A Grayell (Democratic Services Officer)

### UNRESTRICTED ITEMS

#### 45. Minutes of the Meeting held on 14 September 2012

*(Item A4)*

1. Two corrections were made to the minutes, as follows:-

**Minute 30, para 2. b)** - the figures for the number of Foster Carers and the number of children being cared for have been transposed. They should read '800 Foster Carers caring for 1,150 children'.

**Minute 41, para 2** – the date of the Pilkington case should read '2007'.

2. RESOLVED that, subject to the amendments set out above, the minutes of the meeting held on 14 September are correctly recorded and they be signed by the Chairman. There were no matters arising.

#### 46. Oral Updates by Cabinet Member and Director

*(Item B1)*

1. Mr Gibbens gave an oral update on the following issues:-

- **Attended Official Opening of Age UK Maidstone New Offices on 27 September** – the opening of these new offices shows that Age UK are adapting and responding to changing needs
- **Attended and spoke at Northgate Ward Celebration Event on 17 October**, where the KCC Chairman Opened the Learning Disability Suite

- **Attended the National Children and Adult Services Conference 2012 on 24 and 25 October in Eastbourne**, at which the Health Minister Norman Lamb praised KCC's personalisation agenda. Congratulations to the officer team which developed this.

2. Mr Ireland then gave an oral update on the following issues:-

- **Transformation programme** – the first evidence of change in services arising from NHS 'invest to save' money is now visible, and will have impact on admission and discharge patterns and types of care accessed. 'Invest to Save' money sits within the NHS but is committed to local government. Some local authorities use it to bail out or shore up other services, while others use it to broaden the range of services offered.
- **Telecare conference** – this was well attended and will help spread the message to a wider audience and move issues forward. Analysis of patterns of use is being undertaken in partnership with an external provider.

**47. 12/01858 - Outcome of Formal Consultation to re-provide Services for People with a Physical Disability using The Bridge Resource Centre, Hythe (Decision to be taken by the Cabinet Member for Adult Social Care and Public Health)**

*(Item B2)*

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

- a) the proposed changes have not yet been made and are not a *fait accompli*, so, if it is minded to, the Committee still has the opportunity to recommend that they not be made;
- b) the proposed changes represent only an interim position; buildings are to be refurbished, not closed, and the present users catered for temporarily in a different facility at the same site;
- c) most responses to the consultation which had come from service users and their carers had expressed a wish for the current group to remain together. Only one person chose to move to a different centre which is nearer their home and offers a different type of service;
- d) all KCC Members who represent service users affected by the proposals had been invited by the Cabinet Member, Mr Gibbens, to a consultation session;
- e) the proposals had been very well thought through, with account being taken of the difficulty some vulnerable service users have in coping with change;
- f) charges made for sessions are means tested and based on service users' income, and many pay less than the maximum cost of £28 per day session. Most service users provide their own transport; and

- g) the process of modernising day opportunities (for example, those for people with learning disabilities) has developed and been much improved since earlier changes, with lessons being learnt from each successive experience.

2. Mr Gibbens thanked Members for their comments. He reassured the Committee that he personally briefs Local Members about such changes when they are proposed. He added that one person had attended a consultation meeting and had been supportive of the proposed changes.

3. RESOLVED that the decision proposed to be taken by the Cabinet Member for Adult Social Care and Public Health, to take forward the re-provision of services for people with a physical disability at The Bridge Resource Centre at Hythe, using alternate providers or a direct payment, be endorsed.

**48. 12/01981- Kent County Council's Annual Report (Local Account) on Adult Social Care for April 2011 to March 2012 (Decision to be taken by the Cabinet Member for Adult Social Care and Public Health)**  
*(Item B3)*

*Mr M Thomas-Sam, Strategic Business Advisor, was in attendance for this item.*

1. Mr Thomas-Sam introduced the report and explained that the intended timetable for the document is that it should be completed following the November Cabinet Committee meeting and then signed off by the Cabinet Member in December. Therefore, the November meeting is the only chance that this Committee would have of commenting on its content. He responded to comments and questions from Members and the following points were highlighted:-

- a) although some specific questions of detail were answered, Members asserted that the document in its current state is inadequate and not fit for purpose as it lacks comparative data and contains data errors, reporting of information in which they were not happy with the emphasis and gaps where further information or material has yet to be added. Although it had obviously been intended as a working draft for their comments, Members were not confident of agreeing a document, the content of which may then change considerably, without having a further opportunity to discuss it formally;
- b) Members considered it more important that the document be complete, accurate and reliable and that they could be proud of it than it be signed off within the planned timetable. There was consensus that the document was not yet ready to be signed off; and
- c) Members commented that the document also serves to help the general public understand the County Council's work, so needs to be transparent and easy to understand. An 'easy-read' précis version could be produced.

2. The Cabinet Member, Mr Gibbens, thanked Members for their comments and assured them that he would take account of them before signing off the document. He said he was happy to meet with any Member who had outstanding concerns,

following the Cabinet Committee meeting, and proposed that a cross-party working group be convened to develop and discuss an updated version of the document.

3. Mr N J D Chard proposed and Mr L Christie seconded that an updated and completed version of the Local Account document be re-submitted to this Committee's January meeting for Members' consideration, ahead of it being formally signed off by the Cabinet Member.

*Agreed without a vote*

4. The Chairman added that a working group could also discuss and develop the document before the January Cabinet Committee meeting, but there was general consensus that it was the proper role of the Cabinet Committee and not a working group to approve such a document. *All Cabinet Committee Members were subsequently invited to attend a briefing and discussion of the draft document on 3 December at 2pm.*

5. RESOLVED that an updated version of the Local Account document, having due regard to Members' comments set out above, be re-submitted to this Committee's January meeting for Members' consideration, ahead of it being formally signed off by the Cabinet Member.

#### **49. Oral Updates by Cabinet Member and Director** *(Item C1)*

1. Mrs Whittle gave an oral update on the following issues:-

- **Peer Review follow up** – focus now needs to be on three key aims: the child's journey, the constant need to recruit more adopters, and reducing drift and delay. A pack of papers will be put together for the Adoption Summit and will be shared with all Members.
- **Adoption Summit 4 December** – a letter about this will be sent to all Members.
- **National Adoption Week 5 – 9 November**
- **Adoption figures for the year so far** – Since April 2012:-  
**71 children have been placed for adoption**, compared to 68 children in the same period in 2011/12. The aim is to place 100 – 120 children by the end of this financial year. Over 50% of children awaiting placement are siblings, and over 30% are aged over 5.  
**55 Adoption Orders have been made.** It takes nine months between a child being placed for adoption and an Adoption Order being made.  
**40 Adopters have been recruited**, compared to 57 in the same period in 2011/12.

2. Mr Ireland then gave an oral update on the following issues:-

- **Peer Safeguarding Review** – the final written version of the assessment is due soon. The review team had been very impressed with Kent staff, and deep dive reviews of performance have shown good outcomes from the review and evidence of determination to continue progress. Staff and management briefings have been held to take forward key issues, and District Managers have done much work, but there is still much to do. The Chairman of the KSCB is taking an active role.

- **Implementation of new structure** – the new structure is now in place and staff feel positive about the changes (as shown in deep dive reviews)
- **Children in Care conference** – KCC staff participated. The engagement of young people was highlighted as a key issue.

3. Mrs Whittle, Mr Ireland and Ms MacNeil responded to comments and questions from Members and the following points were highlighted:-

- a) some children are difficult to place for adoption and may never be adopted. What work goes on to help the most vulnerable children? *KCC is committed to finding the right package of support for each child, based on their individual needs, and every case is different. It is vital to get the support right;*
- b) would the age range of adopters be extended to help increase the numbers? *KCC is open minded in attracting a diverse resource of adopters, including a range of ages, but clearly it is practical to set an upper age limit so adopters can be confident of seeing a child through to adulthood;*
- c) how do issues raised by the Reer Review relate to those raised by the Parliamentary Select Committee, eg the allegation that Kent gives only good news to Members, and the suggestion that more children should be taken into care? *The Select Committee alleged that local authorities miss some neglect cases and should take more children into care. Outcomes of being in care are generally poor but early intervention and preventative services can address issues. It is important to check that intervention is happening at the right stage. Issues in Kent are dealt with in as open and transparent a manner as possible. The issue of giving only good news to Members was raised with the Select Committee and the allegation was then deleted from a later draft of the formal review letter. A report on the Parliamentary Select Committee's findings will be made to the Corporate Parenting Panel in the new year; and*
- d) one issue not covered in Adoption debates is that taking young people into care does not necessarily make them safer. Coverage of outcomes of being in care should always be included, as these are not usually good. The issue of deciding when best to take a child into care is always a dilemma.

## **50. DfE Consultation "Adoption and Fostering - Tackling Delay"** (Item C2)

*Ms M Lowe, Performance and Quality Assurance Officer, Children in Care, was in attendance for this item.*

*Mr Kirby declared an interest as a Member of the West Kent Adoption Panel.*

*Mr Koowaree declared an interest as the Grandparent of a child who is in the care of the County Council.*

1. Ms Lowe introduced the report and explained that the draft response to be sent from the County Council was presented in the report for Members' comments. Ms Lowe, Ms MacNeil, Mrs Whittle and Mr Ireland responded to comments and questions from Members and the following points were highlighted:-

- a) parts of the draft response contradict each other around the suggested maximum size of an adoption panel, stating in one place '6 Members with a quorum of 4' and in another '8 Members with a quorum of 5'. The view the KCC wishes to give will need to be clarified before submission;
- b) delegation of various responsibilities to Foster Carers will depend on the circumstances of the child concerned. If they are in care voluntarily (under Section 20 of the Children Act 1989), the County Council would not delegate responsibility in the same way as if the child had been placed in care following care proceedings (Section 31). The Council's aim is always to make life as 'normal' as possible for a fostered child;
- c) with regard to an age limit for Foster Carers or Adopters, it is not so much the carer's age that is important but their ability to nurture and care for a child and meet the child's needs. Matching a carer to a child is most important, and the carer's age does not necessarily affect a decision to place a child;
- d) openness and transparency are vital in helping the public to understand how the Council undertakes its fostering and adoption duties and the issues that social workers deal with;
- e) the draft response makes no reference to the legal process. Mrs Whittle said it is important to be open and transparent about the Courts process and the delays which are experienced. Coram had expressed surprise at the level of parental challenge that Kent's Courts allow and the delays that this causes. Transparency would be helped if Courts were to publish figures for the number of cases heard and the length of time each case took to be resolved. Mrs Whittle serves on a Courts Working Group with representatives of the Judiciary and other stakeholders, and this is an ideal place to tackle such issues;
- f) Coram will respond separately to the consultation, and it will be interesting to see their views when these and all other responses become public later in the process;
- g) the priority should be finding Foster Carers for children, never the other way round;
- h) openness with Foster Carers who are deemed unsuitable after KCC received covert evidence about them is important but there needs to be a balance between openness and discretion in what Foster Carers are told;
- i) Members who serve on Adoption Panels challenged the concern expressed in the Department of Education's document, that large

Panels can lead to delays, and said that, in their experience, delays most often arise from poor standards of reporting. Reporting needs to be good to make best use of Panels' time;

- j) a view was expressed that, as Corporate Parents, KCC Members should serve on Adoption Panels as this complements their Corporate Parenting role; and
  - k) the process that prospective adopters go through should be simplified to make it less onerous and oppressive for them.
2. RESOLVED that the draft response to be sent from the County Council be endorsed, having regard to Members' comments set out above and with the addition of a paragraph about transparency and openness around Courts delays.

## **51. Oral Updates by Cabinet Member and Director** *(Item D1)*

1. Mr Gibbens gave an oral update on the following issues:-

- **Public Health Briefing for Members – 6 November**
- **Kent Sexual Health Services Information Sharing Event - 26 September**
- **Spoke at Health Inequalities Session** with Chris Bentley and Gravesham Borough Council on 11 October. It is estimated that every £1 invested in tackling health inequalities generates £11 in savings.
- **Due to attend Kent Stop Smoking Service Annual Conference 2012 on 26 November**
- **Raised with Ministers concerns about Public Health funding after 1 April 2013**

2. Ms Peachey then gave an oral update on the following issues:-

- **Public Health Transition:**
  - **Budget** – there was previously no budget but now £300,000 has been allocated by the Department of Health
  - **Staff** – a joint NHS/KCC staff away day was held to talk about what Public Health might look like in 18 months' time. Input was very positive, and comments will help build plans to move the transition forward
  - **Public Health England** – this now has its Chief Executive and senior staff team in place and will increase in importance from here on. Its key issues to look at are immunisation and screening, and via its involvement in the National Commissioning Board it can build on past success
  - **Public Health Emergency Planning**
- **Sexual Health Services – Developments in West Kent** – a decision on this will be needed by April 2013. It's a big area of work with a £12m budget with which to contract services.
- **Media coverage of young people and alcohol issues** – the use of drugs and alcohol by under-18s has recently had media coverage.

- **Smoking in Pregnancy** – a budget of £100,000 has been allocated for motivational work with pregnant women, as 80% of deaths from SIDS (Sudden Infant Death Syndrome) are due to mothers smoking during pregnancy.

3. Mr Gibbens, Ms Peachey and Mr Scott-Clark responded to comments and questions from Members and the following points were highlighted:-

- a) a view was expressed that having a performance target for the number of people encouraged to give up smoking conflicts with the fact that some KCC staff pension funds are invested in tobacco companies;
- b) surely those who want to quit smoking already have, and there are only the most committed left to persuade? *Public Health research shows that 50% of smokers do want to give up but they often take several attempts to achieve it. There are strong links between deprivation and addiction of various kinds. Many young people still seem to view smoking as cool;*
- c) is a stricter alcohol ban in public places needed, to reduce the places where young people can drink? *Different approaches will work in different locations, for example Gravesham have an alcohol-free town centre policy which seems to be working well;*
- d) would external consultants for campaign work be paid for by Public Health or the Families and Social Care budget? *It would be covered by the Public Health budget;*
- e) Members challenged the assertion that no safe drinking is possible for under-18s. It is legal to drink wine in restaurants at 16, and parents can allow very tightly controlled alcohol consumption at home. Parents need to educate and inform teens so they understand and respect alcohol and its effects;
- f) there followed a debate about the value of an educational approach to address under-age drinking. The 21 age limit works in the USA as it is strictly enforced, but identity cards are too easy to forge. Enforcement around the supply of alcohol, for example in pubs and clubs, is the only effective way to change behaviour in the UK; and
- g) the KCC Select Committee on Alcohol Misuse, which produced its report in 2008, could be revisited.

## **52. Families and Social Care Directorate Financial Monitoring 2012/13** (Item E1)

*Mr D Shipton, Head of Financial Strategy, was in attendance for this item.*

1. Mr Shipton introduced the report and, with Mrs Tidmarsh, Ms MacNeil and Mr Ireland, responded to comments and questions from Members. The following points were highlighted:-



- a) predicting the need for, and likely take-up of, Direct Payments is difficult, partly because their use tends to highlight unmet needs and prompts service users to re-think the services they want to access and how they want to access them. This unknown quantity has an impact across all services. Members were assured, as they have been previously, that no-one is compelled to switch to a Direct Payment against their will;
- b) the KCC has a brokerage role in helping service users to manage their Direct Payments, and this requires staff to give a different sort of support. As people move away from traditional service provision, the level of staff support needed for this is reduced; and
- b) the short breaks respite scheme for families with disabled children shows an underspend due to low take-up, but the reasons for this would need to be investigated. Members asked to have more information about the scheme, and it was agreed that a report setting out more detail be prepared for this Committee's January meeting. This should include the take-up rate and reasons for the current underspend in this area, a summary of what the offer covers and an assessment of the effectiveness of the promotion of the scheme to reach those families who most need it.

2. RESOLVED that:-

- a) the information set out in the report and given in response to questions be noted, with thanks; and
- b) a report setting out more detail of the short breaks respite scheme for families with disabled children be prepared for this Committee's January meeting. This should include the take-up rate and reasons for the current underspend in this area, a summary of what the offer covers and an assessment of the effectiveness of the promotion of the scheme to reach those families who most need it.

**53. Families and Social Care Performance Dashboard for September 2012 and Business Plan Mid-Year Summary**  
(Item E2)

*Mrs S Abbott, Head of Performance and Information Management, and Mr J Smith, Management Information Officer, were in attendance for this item.*

1. Mrs Abbott introduced the report and Ms MacNeil and Mr Ireland responded to comments and questions from Members. The following points were highlighted:-

- a) the report shows that a total of 7 looked after children were not allocated a social worker. This was because three agency social workers had left suddenly without warning, so on a particular day those young people were left without an allocated worker. The situation was rectified very soon after by their cases being re-allocated, so they were without a social worker for only a very short time. Members were assured that it is highly unusual for agency workers to leave without

notice in this way and this situation is not one with which the KCC would usually expect to have to deal;

- b) the Child Protection Plan process allows children who have previously had a Plan to have it re-activated quickly in the event of their family circumstances having deteriorated, and this safety net might account for the rise in the percentage of children being the subject of a Child Protection Plan for a second or subsequent time; and
- c) the social worker vacancy rate is currently 12 – 13 % and recruitment of social workers is proceeding steadily. Agency staff do not count as part of permanent staff figures.

2. RESOLVED that the information set out in the report and given in response to questions be noted, with thanks.

#### **54. Business Planning 2013/14: FSC Headline Priorities** *(Item E3)*

*Mr M Thomas-Sam, Strategic Business Advisor, was in attendance for this item.*

1. Mr Thomas-Sam introduced the report and explained that headline business planning priorities were being presented earlier this year to allow Members to have early input into the preparation of the draft Business Plan, which would then be discussed at the Committee's January meeting. Mr Thomas-Sam, Mr Gibbens and Mrs Whittle responded to comments and questions from Members and the following points were highlighted:-

- a) the divisional business plan for Public Health is listed separately to those of the other divisions as it has a separate management structure and funding, so to keep it separate is appropriate;
- b) it is not clear amongst the listings where the CAMHS service fits and what priority it has, and officers undertook to ensure that this is clear in the draft business plan that this Committee will consider in the new year; and
- c) updates on the running of the new CAMHS contracts which started on 1 September will be considered the next meetings of both this Committee and the Corporate Parenting Panel. The new contract holders, Oxleas and Sussex NHS Trust, have a challenging backlog of cases to tackle but work is progressing well. Members asked that these updates include details of where the service is being provided from, how accessible these places are for the clients who need to access them, and how well trained the staff are who are delivering services.

2. RESOLVED that:-

- a) the information set out in the report and given in response to questions be noted, with thanks; and

- b) the priority of the CAMHS service within the draft Business Plan be made clear and details of the CAMHS service requested above be included in a report to this Committee's January meeting.

## **55. Health Improvement Programme Performance Report**

*(Item E4)*

1. Mr Scott-Clark introduced the report and he and Ms Peachey responded to comments and questions from Members. The following points were highlighted:-

- a) the administration and take-up of the flu jab programme each year is a more complex issue than might at first be apparent. As the types of viruses which are most prevalent change from year to year, different client groups might need to be included in the programme (eg pregnant women are more at risk than other groups from new strains of flu virus). For this reason it is difficult to compare like with like from year to year;
- b) the Health Check programme focuses on vascular checks to identify hypertension, risk of stroke, etc, and does not include checks such as prostate-specific antigen (PSA). A cost benefit analysis has been carried out for the target group for the vascular checks; and
- c) Members expressed disappointment that the Health Checks programme does not extend to people over 74.

2. RESOLVED that the information set out in the report and given in response to questions be noted, with thanks.

## **56. Public Health Business Planning 2013/14**

*(Item E5)*

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

## **57. Consultation on 2013/14 Revenue Budget**

*(Item F1)*

*Mr D Shipton, Head of Financial Strategy, was in attendance for this item.*

1. Mr Shipton introduced the report and explained that it had been hoped that feedback from the public consultation on the budget could be reported to the November meetings of Cabinet Committees. The consultation had closed on 1 November, the day on which this Committee's papers were published. , As many of the responses had arrived in the final few days, officers had not yet been able to fully analyse the responses in time, and it would be inappropriate to provide Members with a partial analysis. The research report commissioned from Ipsos MORI as part of the consultation process had also not yet been received. The analysis of responses and the MORI report will be presented to Cabinet on 3 December. Cabinet will agree its response and a revised final draft budget will be launched as soon after the provisional grant settlements and details of the new funding arrangements are known. This Committee would then have a full and thorough analysis at its 11 January meeting.

2. Mr Shipton responded to comments and questions from Members and the following points were made:-

- a) although only 416 responses to the consultation had been received, this total, although it may seem disappointing, is higher than for previous consultations; and
- b) the grant KCC is due to receive to compensate for freezing Council Tax, and this has a substantial impact. Mr Shipton responded that, based on 2012/13 tax base, 1% on Council Tax equates to £5.8m worth of income, but next year this figure will be different due to the new Council Tax benefit arrangements.

3. RESOLVED that the information set out in the report and given in response to questions be noted, with thanks.