

KENT COUNTY COUNCIL

SCRUTINY COMMITTEE

MINUTES of a meeting of the Scrutiny Committee held in the Darent Room, Sessions House, County Hall, Maidstone on Monday, 16 October 2017.

PRESENT: Mr P W A Lake (Chairman), Mrs C Bell, Mr R H Bird, Mr A Booth, Mr G Cooke, Mrs T Dean, MBE, Mr D Farrell, Mr R C Love, Mr J P McInroy, Dr L Sullivan, Mr B J Sweetland and Mr J Wright

ALSO PRESENT: Mr G K Gibbens and Ms D Marsh

IN ATTENDANCE: Ms A Singh (Corporate Director, Adult Social Care and Health), Ms E Hanson (Policy Manager), Ms M Anthony (Commissioning and Development Manager) and Mrs A Taylor (Scrutiny Research Officer)

UNRESTRICTED ITEMS

1. Decision 16/00137 - Changes to funding arrangements of housing related support and community alarms in sheltered housing.

(Item B1)

1. The Chairman welcomed everyone to the meeting and explained that a call-in request had been received from Mrs Dean, supported by Mr Farrell which the Committee would now consider. Mr Lake offered Mrs Dean the opportunity to expand on her reasons for call-in.
2. Mrs Dean explained that she felt that Members had not been given enough information in relation to this decision. She had requested an officer briefing which had been refused, although comprehensive written answers had been given to the questions she had asked. Had there been opportunity for an officer briefing this call in meeting may not have been necessary. The main reasons behind the call-in related to the process and principles of decision making.
3. Mrs Dean considered that the principles of decision making had not been fully delivered; there was confusion over costing which should have been clearly set out in the papers submitted to the Cabinet Committee.
4. Mrs Dean explained that there was a variance of opinion between some local members and East Kent Housing figures of the age and dependency of clients. There were concerns over the people affected who were still to be engaged in discussions and whether the County Council was working with partial information. There were concerns that the Equality Impact Assessment (EqIA) had not been fully completed before members were asked to support the decision. Guidance stated that the EqIA must be completed before any decision was made. Mrs Dean requested more information to reassure her that the decision proposed to be taken was firmly placed. In addition to these points Mrs Dean explained that, she would have been reassured if Mr Gibbens had stated that he would report back once the issues had been worked through in further detail, however on this occasion this was not offered.

5. The Chairman then asked Mr Farrell if he had anything to add to Mrs Dean's comments. He also had concerns over the processes followed prior to this decision being taken. He stressed the renewed importance of information being available to Cabinet Committees in light of the paper due to be submitted to the meeting of the County Council on Thursday regarding the role of the Cabinet Committees in relation to budget reductions. Full information was needed before decisions were made.
6. A Member confirmed that Cabinet Committees did not make decisions, they were able to endorse or note before decisions were made by the Executive. It was apparent from the agenda pack that the required information was in place by the time the decision was made by the Cabinet Member rather than by the time the decision was discussed by the Cabinet Committee.
7. Mr Gibbens confirmed that if he had been asked for a briefing he would have willingly obliged and he repeated his offer to meet with the opposition groups.
8. The Cabinet Committee met on 20 July 2017 and Mr Gibbens took the decision on 26 September 2017 around the proposed changes to funding arrangements of housing related support and community alarms in sheltered housing. Mr Gibbens' priority was to ensure that the Council met its obligations under the Care Act. The Government had consulted on future funding arrangements for all supported housing nationally and it was important that KCC had the proposed changes in place by 31 March 2018, to ensure proper measurements were made through 2018/19. Mr Gibbens responded to the 6 issues referred to in the call-in.
9. Referring to financial implications Mr Gibbens explained that, at Cabinet Committee Members referred to the savings target for 2017/18 set out in the Medium Term Financial Plan (MTFP) of £1.7million. That target would not be met, that figure was in the MTFP for the current year and the annualised saving was £2.78million. Mr Gibbens apologised if this was not made clear. Ms Singh confirmed that she accepted the point about the need for clear and consistent paperwork.
10. Mr Gibbens referred to the data supplied by contract holders and East Kent Housing Association (for Canterbury, Dover and Shepway District Council); this was set out on page 11 of the agenda pack. Meetings had been held between July and September and these meetings were all recorded on the Record of Decision which was signed and published on 26 September. Mr Gibbens explained that as this fell over holiday period the decision was taken later than he had hoped.
11. In relation to the incomplete EqIA Mr Gibbens confirmed that the version submitted to the Cabinet Committee was the final version. It had an action plan attached and the actions in relation to the plan had been fully completed. As part of the EqIA action plan the council had been able to demonstrate that the project could progress to enable it to be where KCC wanted to be by March 2018. The data collection had shown that some of KCC's money had not been used to satisfy requirements of Care Act. Ms Singh confirmed that through the EqIA and the act of carrying out the assessment had driven some of the activity to go

straight to the people affected, the Council had employed different approaches towards people who had eligible needs under the Care Act.

12. Mr Gibbens explained that in relation to reporting back to the Cabinet Committee there was no requirement to report back and he didn't think it was necessary to do so. The decision was taken on 26 Sept which was later than intended following meetings with districts being delayed due to holidays. At the Cabinet Committee on 29 Sept Mr Gibbens reported that the decision had been taken and paused to give anyone present at the Cabinet Committee the opportunity to say anything if they wished. He did report back to the Cabinet Committee in his verbal update and Ms Anthony who was present would have answered any questions Members might have had.
13. In relation to the omission of the word final on the EqIA, Mr Gibbens believed that it was clear that it was final and everything required under the document had been achieved. It was critical that this work was progressed and that it was in place from March 2018.
14. Ms Singh offered an explanation of why this project was being undertaken. The timeline was important, the Council wanted to implement the changes by next March 2018 because at that point the Government would begin a counting exercise to measure how many clients were using their housing benefits to pay for services. The Council wanted as many of these changes to have taken place to ensure an accurate count as this would affect the amount of money Kent had in the future.
15. A Member questioned the "deep dives" planned, how many have been undertaken? Ms Anthony explained that between 6-8 deep dives had been undertaken with a broad range of providers, both large national and small organisations. This aimed to test the water with a sample of providers to see if enough information could be gathered on which to recommend a decision. Following this a questionnaire was sent to all providers which collected information including how wardens were spending their time, the age range of those spending time in services and whether they were in employment to build a comprehensive picture.
16. The Member was satisfied with the response but it indicated that the EqIA was work in progress and that the Council was continuing to learn from the information received. Ms Anthony clarified that the EqIA was final and the action plan was work in progress.
17. Following up a comment made about some money not being used under the practices of the Care Act a Member asked Mr Gibbens to expand on this. Mr Gibbens explained that following the information gathering it was clear that activities were taking place which were not in accordance with what would be eligible under the Care Act. Ms Anthony confirmed that this was discovered from activities from the EqIA action plan, overwhelmingly tasks were being undertaken under the Care Act. However in a couple of isolated cases some providers were refunding money and not providing services. In one area 1% activities not eligible in relation to supporting people with medication – the Council had spoken to the relevant providers and explained that this was not an appropriate course of action.

Officers had built up a good picture of those individuals who have had a care assessment.

18. A Member asked whether the routine report back from providers differed from the findings and issues discovered at the deep dives. Ms Anthony explained that officers had compared the profile of every organisation based on a range of data, either as a result of the action plan or routine contract information given to the Council from the provider. Where there was a disparity officers had raised queries with the providers.
19. In response to a question about the discussions had with the districts Mr Gibbens explained that discussions were focussed on how the County Council could work with the districts. The discussions highlighted new opportunities which could arise under new regulations in 2019/20. It was fairly clear that most districts were very understanding.
20. Ms Singh explained that the conversation with the districts focussed on a sustainable model.
21. A Member considered that the Committee had dealt with the justification of the call-in. Meetings had been held with districts and he was aware of a motion at Gravesham Borough Council which indicated some discontent and suggest perhaps another visit would be in order.
22. Mr Gibbens confirmed that he was very willing to meet with the districts and that this was an ongoing process. There was sometimes a resistance to change and it could be challenging but this was not a reason not to progress, he was very happy to take advice and would revisit any areas where it was deemed necessary.
23. In response to a question about potential expense to landlords and transition cost for providers. Officers confirmed that they had offered support from KCC Officers and an expert to assist providers to make the transition; many had already made the transition ahead of the Council's request. However, there were organisations which were yet to make a change and the County Council had provided a seminar and information to assist them. Disruption could be minimal and it could also be used as an opportunity to remodel.
24. A Member asked who would be affected by this decision, would it include elderly residents as well as anyone in sheltered accommodation? The Member asked for an assurance that residents who were younger and with cars etc. who were also vulnerable making them high on list to get into accommodation (special needs, ex-offenders, fostered, recovering alcoholics for example) would be individually assessed in relation to the proposed changes.
25. Concerns were raised about the EqIA and a member considered that if changes had occurred since the EqIA had been written it should be altered and updated but that hadn't happened in this case. Ms Anthony explained that in relation to those affected, this decision related solely to sheltered housing, or designated accommodation with a community alarm. No other supported housing schemes such as homeless hostels, women's refugees and ex-offenders were affected. Those residents in sheltered housing who were eligible to receive funding from

KCC (which was dependent upon housing benefit) who would be placed within the new arrangements with no change.

26. Officers offered to look at the suggestions made around the EqIA and update it however other Members considered that the EqIA and Action Plan were separate documents and updating the EqIA was unnecessary when the action plan was a 'living document'.
27. A Member commented that it was unfortunate that the EqIA paper had been marked draft and not final. However Mr Gibbens worked with an open door policy and he could have been questioned about that. The Council was working well with partner organisations and there were discussions with districts to come to a solution in an ever changing political/policy world. The Member understood the reasons for calling in the decision however he considered that these might also relate to a policy disagreement.
28. Mr Gibbens explained that he had had discussions with Swale around the process. The EqIA was taken very seriously, all decisions within adult social care were not easy decisions and the Cabinet Member looked very carefully at the EqIA and it was important to pick up any issues learned.
29. A Member commented that all questions had been answered to his satisfaction, and to the satisfaction of the Cabinet Member when he took the decision. He considered that no new information had come out of the Scrutiny Committee's discussion.
30. Mr Love proposed that the Scrutiny Committee make no comment, this was seconded by Mr Sweetland and the motion was carried.
31. The Chairman considered that all Members of the Committee had had the opportunity to look at the process; there was a greater understanding of the process and the decision.
32. Mrs Dean asked if she could explain her decision to vote against the proposal of no comment however the Chairman considered that the meeting had discussed the issue to everyone's satisfaction and Mr Gibbens offered any further discussion at any time.

RESOLVED that the Scrutiny Committee:

- Thank the Cabinet Member, Deputy Cabinet Member and Officers for attending the meeting and giving comprehensive answers to Members' questions,
- Make no comment on the call-in of decision 16/00137.