

## **ADULT SOCIAL SERVICES POLICY OVERVIEW AND SCRUTINY COMMITTEE**

MINUTES of a meeting of the Adult Social Services Policy Overview and Scrutiny Committee held in the Council Chamber, Sessions House, County Hall, Maidstone on Wednesday, 13 January 2010.

PRESENT: Mr P W A Lake (Chairman), Mr K Pugh (Vice-Chairman), Mrs A D Allen, Mr L Christie, Mrs P T Cole, Mr N J Collor, Mr J Cubitt, Mr D A Hirst, Mr M J Jarvis and Mr S J G Koowaree

ALSO PRESENT: Mr G K Gibbens and Mr M J Angell

IN ATTENDANCE: Mr O Mills (Managing Director - Adult Social Services), Mr S Leidecker (Director of Operations) and Miss T Grayell (Democratic Services Officer)

### **UNRESTRICTED ITEMS**

#### **37. Minutes of the meeting held on 17 November 2009** *(Item A3)*

RESOLVED that the minutes of the meeting held on 17 November 2009 are correctly recorded and that they be signed by the Chairman. There were no matters arising.

#### **38. Chairman's Announcements** *(Item A4)*

The Chairman paid tribute to all KASS staff who had maintained services to look after elderly and dependent residents across Kent in the recent severe winter weather and said how much he admired their efforts.

#### **39. Cabinet Member's and Director's Update (oral)** *(Item A5)*

##### ***Severe Weather Conditions***

1) Mr Gibbens supported the Chairman's comments about KASS staff, as well as partners in the independent sector and the Army with whom they had worked, and were still working, in the continuing severe weather. He asked that his appreciation and thanks be passed to the staff concerned.

2) Mr Mills added that KASS had relied partly on the willingness of communities to look out for and help elderly and vulnerable neighbours with daily support and general care as well as meals to supplement the Community Meals service run by *apetito* and delivered with the help of the Army. Help had also been given by the 4x4 Users South East Response Service, a group of owners of 4x4 vehicles who offer to help in accessing remote areas.

3) Mr Mills said he had been struck by the resourcefulness of domiciliary care workers and agencies in delivering services. All domiciliary care providers had business continuity plans for such circumstances. The Emergency Planning Unit also had well tested plans and had been resourceful and flexible in giving a first class service, along with the initiative and hard work of in house KASS staff. Use of technology such as telecare and telehealth and the BT MeetMe service had come into their own for maintaining contact with clients and allowing links between managers across the county to co-ordinate support services.

In response to a questions, Mr Mills explained that, although KASS was not formally involved in decisions on which areas should be prioritised for gritting, they would have the chance to give a view as part of a debrief. Miss Highwood added that, in cases where KASS was aware of a particular risk, eg a steep entrance to a care home, it would direct help.

#### ***Cow Lane Learning Disability Centre, Canterbury***

4) Mr Gibbens confirmed that he had taken the decision to close the centre on the proviso that alternative facilities are put in place first. Consultation and work with users and carers had been going on for two years to prepare for the change. The changes would improve services for clients in Canterbury with Learning Disability needs.

#### ***KASS Strategy***

5) The KASS Strategy, on which the POSC had commented at its November meeting, would be considered/approved by the full County Council on 1 April.

#### ***Queen Elizabeth Foundation Day Centre, Dartford***

6) Since the closure of the centre, KASS had run services under the Active Lives Network. It had always been intended that a third sector provider would take on this service provision, and in 2009 the contract had been let via a tendering process to the Inspire Community Trust of Bexley, which would start service delivery on 25 January. This Trust was committed to promoting independent living for clients with LD needs. An update on this issue had been sent to all local KCC Members on 6 January and would be sent to all POSC Members today.

#### ***Age Concern Funding***

*Mrs A D Allen declared a non-pecuniary interest in this item as a Chairman of Dartford Age Concern Committee, and Mr S J G Koowaree declared a non-pecuniary interest as he was related to recipients of care services delivered via Age Concern.*

7) An update paper was tabled, and Mr Gibbens explained that he would shortly be meeting all the Chairmen of all Age Concern Committees in Kent in the spring of 2010 and Mr Mills would be meeting all Chief Executives for a second meeting. Mr Gibbens and Mr Mills answered questions from Members on this issue, explaining the following:-

- a) it was up to each Age Concern who would take part in the meetings, but Mr Mills undertook to find out how each area Age Concern proposed to approach and advise Mr Christie;
- b) The deadline for completion of the reorganisation of services was July 2010;

- c) Mr Mills said he was not aware of any impact of the funding changes upon the relationship between Age Concern and Help the Aged nationally;
- d) Mr Gibbens emphasised that service providers would not be affected by the reorganisation, and that no cut in service would result from it;
- e) the consultants proposed to be used to advise on the change would be independent experts in providing elderly support;
- f) although it was up to each local Age Concern Committee how much it charged for services, KCC would help them to make best use of their funds, and any change in service provision would be preceded by consultation with the client concerned. Mr Gibbens undertook to emphasise these reassurances when meeting with the Age Concern committees.

### **Swine Flu**

8) Mr Mills said that preparation for a potential pandemic including vaccinating every health professional and care home worker, and the Department of Health had made £70,000 of additional funding available to meet the cost of vaccinating social care staff in Kent.

### **Retirements**

9) Mr Mills reported that Janet Hughes, Director of Provision and Commissioning in East Kent, had left the Directorate at the end of December. He said Janet had been an excellent advocate for vulnerable people in the county and was well known and respected by elected Members. Anne Tidmarsh had been appointed to fill the post. Members added their appreciation of Janet's work and their best wishes for her retirement, and congratulations to Anne on being appointed.

10) Steve Leidecker, Director of Operations, would be retiring on 1 April 2010. No-one had yet been appointed to fill the post, but Members were reassured that the post was being held and not deleted. Mr Gibbens added that he was concerned that the post had not been able to be filled and said he would ensure that he was kept aware of any problems in covering the role in the meantime.

## **40. Presentation - The Personal Care at Home Bill**

*Miss C Highwood, Director, Strategic Business Support, was in attendance for this item, with Mr A Webb, Policy Officer.*

1) Miss Highwood presented a series of slides which set out the timetable of Bill, summarised its content and implications for KCC. *Slides are appended to these Minutes as Appendix 1.* She and Mr Mills answered questions of detail put by Members, explaining the following:-

- a) Miss Highwood had been working closely with the Department of Health to clarify the impact of the Bill on Kent and to test on what assumptions the provisions of the Bill had been based. Via this close working, she had been able to make the Department of Health aware of Kent's views

and concerns in advance of it sending its formal response to the consultation;

- b) the Department of Health had asked for early outline responses by 26 January, although the statutory deadline for responses was 23 February. Members' views expressed in today's meeting would be included in the draft response, which would be debated by Cabinet on 1 February;
- c) a major complication of the new proposals was the large number of unknowns, and complications to the way KCC assessed services, e.g., it would need to predetermine which services received by a client were to be charged and which not charged before it could set that client's personal budget;
- d) in considering and responding to the proposals, Members would be given KASS guidance and support to ensure that they understood the context of them and their implications for Kent, and what efficiency savings would be needed to compensate for the financial implications of delivering the new provision;
- e) as much of the new provision was based on personal choice, it was simply not possible to predict how clients or their families might choose to change what services they used or how they accessed those services; and
- f) the government's intention was to review the situation in 18 months' time, due to the large areas of implications which were unknown for all Local Authorities in the UK.

2) In discussion, Members expressed views and concerns on the Bill's content, and these are summarised in Appendix 2 to these Minutes.

3) In addition, the Cabinet Member Mr Gibbens said that his role was to listen to Members' concerns prior to the issue being discussed at Cabinet, and added his personal views: in an ideal world it would be good to be able to offer free care to all, but this was simply not realistic, development of the Bill seemed rushed, with not much opportunity to challenge the calculations on which it was based, he could not see how the numbers would work, he thought the Bill was unaffordable, and suspected that it could only be paid for by cuts in the NHS and increased Council Tax.

4) The Chairman summed up and set out the next steps. A draft KCC response would be prepared, which would include the views and concerns expressed by Members today. He undertook to discuss with the Cabinet Member the feasibility of POSC Members having a further discussion once the draft response was ready, to add or strengthen any points, if necessary. The draft response would then be discussed by Cabinet on 1 February and submitted to the Department of Health by the deadline of 23 February.

5) RESOLVED that:-

- a) the presentation be welcomed, with thanks;
- b) Members' views and concerns expressed in discussion, and set out in Appendix s to these Minutes, be built into the draft KCC response to the Department of Health;
- c) the Chairman and Cabinet Member discuss the feasibility of POSC Members having a further opportunity to consider the draft response and add or strengthen any points if necessary; and
- d) the KCC draft response be discussed by Cabinet on 1 February and then submitted to the Department of Health by 23 February.

**41. Adult Social Services Budget Outturn Report 2009/2010, for the second quarter**  
*(Item B1)*

*Miss M Goldsmith, Directorate Financer Manager, was in attendance for this and the following item.*

1) Mr Leidecker introduced the report and said that the latest monitoring had forecast a reduced overspend, and that he was confident that the Directorate would achieve a balanced budget at the year end. The Directorate was making ongoing savings and efficiencies. Mr Leidecker and Miss Goldsmith answered questions of detail from Members, as follows; -

- a) the number of clients receiving in house domicilliary care services showed a higher turnover because more clients were moving to enabling services rather than staying on domicilliary care for any length of time;
- b) none of the Directorate's contingency fund was allocated *per se*, but it had all been used to suppress or offset budget pressures;
- c) KASS vacancy rates and staff turnover remained very low compared to the average rates for the rest of the KCC;
- d) although numbers of delayed transfers had increased in East Kent, the percentage for which KASS was responsible had shown no appreciable increase; and
- e) in response to a question about KASS's robust monitoring and budget management, Mr Leidecker confirmed that much time and effort was spent on monthly monitoring and forecasting, and the exercise was complex. Although it was expected that the overspend of £770,000 would be cleared by the year end, if it was reduced to £500,000, this amount would represent only 0.1% of the Directorate's overall budget. This illustrated the tight margins within which this demand-led budget was managed. Events like severe weather conditions always added demand to the budget.

2) In discussion, one Member expressed concern about the level of client debt and how this was monitored and dealt with. Key concerns were that increasing debt year on year was unsatisfactory and debt should not be allowed to drift, assessment of a client's ability to repay debt must be fair and compassionate, and controls must be effective. He sought a statement of management action being taken to address and contain debt.

3) Mr Mills assured Members that the Directorate's Senior Management Team was rigorous in monitoring levels of debt each month and offered to share the new action plan, which had been started in October 2009 to address debt, which Members welcomed. He added that KASS always took action if the level of debt became unreasonable, having pursued court proceedings in past cases, and should not be seen as 'a soft touch'. Bailiffs would ever be used in extreme cases. A new debt recovery team, as part of the new action plan, would make recovery easier by starting action earlier.

4) RESOLVED that:-

- a) the report, and Members' comments on it, be noted; and
- b) a further report on client debt be submitted to a future meeting of the POSC, to allow Members to take a closer look at the issue.

#### **42. Budget 2010/2011 and Medium Term Financial Plan 2010 - 2013** *(Item B2)*

1) Mr Mills introduced the report and highlighted the priorities and risks in the Medium Term Plan. These will be set out in the KASS Strategy which will be reported to Cabinet and discussed at the County Council. The Directorate's draft budget included a 0% pay increase for staff in 2010/11 but also a 0% price increase for providers. Mr Mills emphasised that there should be no reduction in staff numbers in 2010/11. Mr Mills and Miss Goldsmith answered questions of detail from Members, as follows:-

- a) the budget figures for the next three years showed a 0% pay increase for staff across all three years, as all Directorates had been asked to set their budgets making the same assumption;
- b) £32 million had passed from the KASS budget to the Communities budget to reflect the move of the Supporting People function to Communities; and
- c) Mr Christie asked what percentage of KASS staff was eligible to receive 'Total Contribution Pay' (TCP) progressions, and Mr Leidecker undertook to find out and advise Mr Christie of the figure.

2) In discussion, Members made the following comments:-

- a) the clarity of the report and the information set out in it was welcomed, and KASS finance staff congratulated on their work in preparing it;
- b) the increase of 1.29% in the KASS budget was welcomed; and

- c) Members expressed differing views on whether or not staff pay increases for each of the three years should be included in the budget projection. Medium Term Plans had always previously included an estimate of staff pay increases for future years in the same way as price increases for each of the three years had been estimated and included.

3) RESOLVED that:-

- a) the report be noted and the staff involved in its preparation be congratulated on its clarity; and
- b) Members' views, set out in paragraph 2) above, be taken into account when finalising the KASS budget and Medium Term Plan.

**43. Half-Yearly Monitoring of the Annual Operating Business Plans, 2009/2010**  
*(Item B3)*

*Mr N Sherlock, Head of Planning and Public involvement, was in attendance for this and the following item.*

1) Mr Sherlock introduced the report and answered questions of detail from Members, as follows:-

- a) KASS continued to lobby the CQC about some indicators which it saw as being flawed, having written to CQC again very recently;
- b) although progress would be easier to see if a target was presented alongside performance information, no target could be set until end of 2009/10 year, as this would provide the baseline;
- c) hypothecated grants are an area of particular risk for all local authorities, as they are fixed term and could be changed or discontinued by any change in government after the general election; and
- d) Members asked to be told what evidence would be supplied to the Care Quality Commission to demonstrate progress against NI 130. POSC Members would be sent this information when it was reported to Cabinet at the end of the financial year.

2) Mr Gibbens added his compliments to officers on the ongoing success of the WSD project, which he said had been massively challenging but a real achievement for Kent. He asked that his thanks and compliments be passed to all staff concerned.

3) RESOLVED that the information given in the report and in response to Members' questions be noted, with thanks.

**44. Risk Management - Revised Directorate Risk Register**  
*(Item B4)*

1) Mr Sherlock introduced the report and explained that all Directorates' Risk Registers fed into the Corporate Risk Register. In discussion, and in response to Members' questions, the following points were highlighted:-

- a) the Personal Care at Home Bill was not currently listed on the risk register but would have a high rating due to the financial risks it brought to the KCC;
- b) the present template that Directorates were required to use to evaluate and report risks was flawed, eg there was no way of recording the effects of a risk, and there was no scope to state a target by which a risk could be lowered in next year's register. Officers agreed this would be a useful tool and undertook to look into it for the future. A new Head of Audit and Risk for the whole KCC had recently been appointed to address the way in which risk assessed and managed;
- c) Members were assured that risks being assessed received very robust discussion at all levels of Management;
- d) each Directorate was required to list its top 10 risks, hence all those listed in the report were rated 'High'; and
- e) although Human Resource was listed as one of KASS's top risks, the officer team set out the following points:-
  - 1) its vacancy rate was 4.5% and its turnover 1.7% - both very low;
  - 2) there were no particular problems recruiting to safeguarding teams, and staff tended to stay long term, but there were some problems in recruiting Mental health Social Workers;
  - 3) succession planning remained a high priority for the Directorate;
  - 4) the present rating of 'High' for Human Resource had been assessed during a period of extensive reorganisation, and it was hoped that this risk would be rated lower in next year's register; and
  - 5) an interpreter scheme was well established in KASS to help clients for whom English was not their first language, and in areas with a prevalent BME community, much effort was made to employ staff from that community.

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

**45. Update on Select Committee Work**  
(Item C1)

RESOLVED that the information in the report be noted.