

## KENT COUNTY COUNCIL

### ADULT SOCIAL CARE CABINET COMMITTEE

MINUTES of a meeting of the Adult Social Care Cabinet Committee held at online on Wednesday, 29th September, 2021.

PRESENT: Mr A M Ridgers (Chairman), Mr S Webb (Vice-Chairman in the Chair), Mrs A D Allen, MBE, Mr S R Campkin, Mrs P T Cole, Mr N J Collor, Ms K Grehan, Ms S Hamilton, Ms J Meade, Mr J Meade, Mr D Ross, Mr T L Shonk, Mr R G Streatfeild, MBE, Mr R J Thomas, Mr A Weatherhead and Ms L Wright

ALSO PRESENT: Clair Bell

IN ATTENDANCE: Clare Maynard (Head of Commissioning Portfolio - Outcome 2 and 3), Richard Smith (Corporate Director of Adult Social Care and Health), Chris McKenzie (Director of Adult Social Care and Health North and West Kent), Michael Thomas-Sam (Strategic Business Adviser, Social Care), Matt Chatfield (Operational Analytics and Systems Manager), Akua Agyepong (Assistant Director (Countywide) Adult Social Care and Health), Serine Annan-Vetch (Policy Advisor), Lisa Clinton (Stakeholder Engagement Manager), Helen Gillivan (Head of Business Delivery Unit), Maureen Stirrup (Head of Deprivation of Liberty Safeguards), Jeanette Young (Head of Commissioning, Adult Social Care (Interim)), Theresa Grayell (Democratic Services Officer) and Hayley Savage (Democratic Services Officer)

#### UNRESTRICTED ITEMS

**12. Introduction/Webcasting Announcement**  
(Item. 1)

The Vice-Chairman of the Committee, Mr S Webb, said he was chairing today's meeting at the request of the Chairman, Mr A Ridgers, who was unwell but in attendance. Mr Ridgers expressed his gratitude to Mr Webb.

**13. Apologies and Substitutes**  
(Item. 2)

There were no apologies for absence and no substitutes.

**14. Declarations of Interest by Members in items on the agenda**  
(Item. 3)

There were no declarations of interest made by Members.

Later in the meeting, Mrs Wright declared an interest under Item 9 – *Local Government and Social Care Ombudsman Public Report on Deprivation of Liberty Safeguards (DOLS)* – as an appointee for a family member.

**15. Minutes of the meeting held on 22 June 2021**  
(Item. 4)

It was RESOLVED that the minutes of the meeting held on 22 June 2021 were correctly recorded and they be signed by the Chairman when this can be done safely.

**16. Verbal Updates by Cabinet Member and Corporate Director**  
(Item. 5)

1. The Cabinet Member for Adult Social Care and Public Health, Mrs C Bell, gave a verbal update on the following:

**Consultation for Adult Social Care Strategy** - The consultation was launched on 13 September 2021 and would close on 24 October 2021. This was the five-year vision and overarching strategy of the Making A Difference Every Day (MADE) programme. There were three main themes – putting the person at the centre, innovation and measuring outcomes. There would be an additional focus consultation shortly on a carers' strategy.

**Consultation for Community Mental Health and Wellbeing Services** – The consultation was launched on 23 August 2021 and would close on 3 October 2021. A wide range of local charities and organisations currently delivering these services were jointly commissioned by KCC and Kent & Medway Clinical Commissioning Group. Direct contracts with two strategic partners delivering services directly, and subcontracting to other providers, were coming to an end on 31 March 2023. Four services were included in the consultation, Live Well Kent Medway, Mental Health Housing Related Support, 24-7 Telephone and Online Support Service for Kent and Medway, and Activity Programme for Young People aged between 14-35 who have suffered from a first episode of psychosis.

**Government Plans for Health and Social Care** – Mrs Bell said she was speaking to colleagues and Officers in the Adult Social Care and Policy Teams to understand the proposals and potential implications for the Council, and how this may impact on budget, demand, and the delivery of services.

**Digital Social Care Project - KARA** – Mrs Bell said she was pleased to attend the KARA Video Carephone Celebration Event on 14 September 2021 and that, so far, 1,700 video phone devices had been deployed to vulnerable residents. The video phone devices were initially used to keep people safe but had since been used for assessments, medication reminders, online classes, bingo and to connect with friends and family. Feedback received had reflected the success of the device and how it was supporting health and wellbeing.

2. The Corporate Director of Adult Social Care and Health, Mr R Smith, then gave a verbal update on the following:

**Kent Care Awards 2021** – Mr Smith attended the Kent Care Awards ceremony, supported by KCC and other organisations, where awards were made to direct care staff who had worked tirelessly throughout the pandemic providing essential services.

**Staff Update** – The recruitment of two directors, Director of Adult Social Care and Public Health and Director of Adult Social Care for East Kent, were being finalised and would complete the Operational Senior Leadership Team.

**Equality** – The Equality Forum held a session, facilitated by Mr McKenzie and Ms Agyepong and supported by external speakers, to encourage Officers to think differently about equality and to look at different ways of working with, and supporting, communities. Conversations on this would continue including the consideration of equality statements.

**ADASS Care Conference** – Mr Smith attended the ADASS Conference on 21 September 2021 which recognised the challenges adult social care currently faced nationally. Mr Smith said Officers were working on a paper highlighting the challenges the Council faces over the winter period and this was likely to come to County Council in November.

**Prevent Team** - The Prevent Team was a statutory service providing support to young people at risk of radicalisation. A positive peer review report had been received from the Home Office highlighting the exceptional work of the team. The report set out opportunities to involve the wider workforce in identifying individuals at risk of radicalisation.

3. It was RESOLVED that the verbal updates be noted, with thanks.

**17. Adult Social Care and Health Performance Q1 2021/22**  
(Item. 6)

1. Mr Chatfield introduced the report and highlighted the key areas of performance.
2. Mr Chatfield and Mr McKenzie responded to comments and questions from the committee, including the following:
  - (a) asked about trends in the continued increase of mental health issues and Deprivation of Liberty Safeguards (DOLS), and how Kent residents could be supported, Mr McKenzie said teams were under pressure to deal with the increase in demand and the strategic approach of the Make a Difference Every Day (MADE) programme was one way in which this demand would be met. The increase in awareness of Deprivation of Liberty Safeguards (DOLS) had increased applications, and performance had significantly improved in the last year with the undertaking of a higher number of applications; and
  - (b) asked about the coordination of services between Social Services and community work in the district, Mr McKenzie said the long term strategic MADE programme would develop a locality-based approach where services were joined up within communities. In addition, Adult Social Care Directors' responsibilities were defined by geographical area, and this was enabling stronger relationships to be formed with district councils and partner agencies. Mr McKenzie said he was happy to discuss any specific issues directly with Members.
3. It was RESOLVED that the performance of services in quarter 1 of 2021/22 and the addition of the Mental Health activity measure for 2021/22 be noted, with thanks.

**18. Domestic Abuse Update Including Strategy Addendum**  
(Item. 7)

1. Ms Agyepong, Ms Annan-Veitch and Ms Westlake introduced the report which set out the Council's new responsibilities under the Domestic Abuse Act 2021 and its progress against these new duties. These new responsibilities included the creation of a Local Partnership Board, commissioning activity in relation to accommodation-based services and the publication of a Domestic Abuse Strategy by October 2021. The Council had been allocated over £3.1m in new funding for 2021/22 in relation to the new statutory responsibilities under the Act and the progress being made on proposals to use the new funding effectively and compliantly through the Kent Integrated Domestic Abuse Service (KIDAS) was highlighted.
2. Ms Agyepong, Ms Annan-Veitch and Ms Westlake responded to questions and comments from the committee, including the following:
  - (a) asked whether funding and support followed a person who was placed outside of Kent, Ms Westlake said under the Domestic Abuse Act 2021 each tier 1 local authority had their own allocation of funding and a duty to help survivors fleeing Kent who required support in safe accommodation. Communication with neighbouring authorities was taking place to promote geographic equitability;
  - (b) asked about accessibility and what was being done to reach out to survivors of domestic abuse, Ms Westlake said the KIDAS providers were proactive in raising awareness and there were numerous ways in which survivors could access support, for example, through telephone, text, email, or website. Safe contact routes were used following a referral;
  - (c) asked how Members could help in raising awareness Ms Westlake said she would contact Members regarding the communication plan across Kent and Medway so that Members could share information within their areas. Ms Agyepong added that the Local Partnership Board had recommended that Members be provided with more insight and Officers were preparing a briefing to take place in due course;
  - (d) asked whether support networks were available for men, Ms Westlake said the KIDAS offer of support was inclusive and meeting the needs of a diverse range of survivors. Support was tailored to individual needs and there were specialist Independent Domestic Violence Advisers (IDVA) workers for male and LGBT survivors;
  - (l) asked whether family pets of survivors could be accommodated, Ms Westlake said this depended on the refuge and other residents. KIDAS providers were currently liaising with the Dogs Trust to see what arrangements could be made for pets of domestic abuse survivors. Members offered their support in this regard and Ms Westlake would make contact;
  - (e) asked how survivors of domestic abuse could seek help, Ms Westlake said the Ask for ANI scheme with pharmacies enabled survivors to ask for help in

a discreet way and a response system had been set up in covid testing and vaccination sites. The need for a national or Kent and Medway scheme with a recognisable sign or logo was discussed. Ms Agyepong said she would take this forward with the Communication Group to look at how this could be progressed and would feed back to Members.

Ms Annan-Veitch said as part of the partnership work there was a Partnership and Social Media Communications Group which focussed on a consistent message and brand, providing clear messaging across the partnership. Ms Westlake said posters were available and she would send these to Members;

- (f) asked whether signposting was available in schools Ms Agyepong said the obligations under the Domestic Abuse Act 2021 sat alongside the safeguarding obligations of the Council and schools were being briefed and updated within the broader safeguarding offer; and
- (g) asked why survivors were often forced to move away from their homes, Ms Annan-Veitch said most survivors stay in their homes and most perpetrators were not prosecuted making it hard to find routes to force them out of the family home. Perpetrator programmes were in the process of being developed with the intention of reducing abusive behaviours. Ms Westlake said the Sanctuary scheme fell within the definition of safe accommodation and there was current scoping, working closely with police and local districts and boroughs, to enable survivors to remain in their own homes with enhanced security measures.

- 3. It was RESOLVED that the progress in relation to the Domestic Abuse agenda be noted, with thanks.

**19. Making A Difference Every Day - Our Strategy For Adult Social Care In Kent 2022 To 2027: Consultation**  
(Item. 8)

- 1. Mr Thomas-Sam introduced the report and summarised the progress that had been made towards the development of the new Adult Social Care Strategy and the related engagement and consultation process.
- 2. An animation video explaining the development work of the Making a Difference Every Day (MADE) strategy was shown to Members.
- 3. Mr Thomas-Sam and Ms Clinton responded to comments and questions from the committee, including the following:
  - (a) asked how Kent residents who do not speak or read English could access the consultation information, Ms Clinton said early engagement had taken place with community organisations around the provision of information in different formats including different languages and sign language. Ms Clinton said colleagues and experts from learning disabilities and autism groups had been consulted on the design of materials and an easy read version was available online; and

(b) asked how this strategy would link in with the new Carers' Strategy Mr Thomas-Sam said the Carer's Strategy would support the MADE overarching document. Work on achieving this, including the formation of a planning group, was underway.

4. It was RESOLVED that the content of this report and the attached 'Making a Difference Every Day, Our Strategy for Adult Social Care in Kent 2022 to 2027 Consultation Document' be noted, with thanks.

**20. Local Government And Social Care Ombudsman Public Report On Deprivation Of Liberty Safeguards (Dols) In Kent**  
(Item. 9)

*Mrs Wright declared an interest as an appointee for a family member.*

1. Mr McKenzie and Ms Agyepong introduced the report and provided an overview of the Council's proposed response to a report published by the Local Government and Social Care Ombudsman (LGSCO) on 2 September 2021 about a complaint received from a Kent resident. The LGSCO upheld the complaint, and a public report was issued highlighting the Council's failings in response to the matter concerned and made recommendations. Ms Agyepong summarised the actions that the LGSCO had recommended the Council undertake, including those where work in achieving them had commenced and those where Officers believed it was not possible for the Council to comply with the LGSCO's recommendations. Ms Agyepong highlighted the reasons why the Council was unable to comply with these recommendations including the limited availability of Best Interest Assessors (BIAs).
2. Ms Agyepong said there would be ongoing scrutiny for the work undertaken by the DOLS team involving regular engagement with the Kent and Medway Adult Safeguarding Board, and the DOLS work would remain on the Council's risk register.
3. Ms Agyepong said since the Cheshire West Judgment the Council had invested £1.54 million into services to ensure DOLS work was carried out in accordance with legislation. Continued investment along with wider service improvement driven by the MADE programme would result in an increase in the number and quality of assessments undertaken.
4. Ms Stirrup said that performance data indicates that the Council has moved from 11th to 3rd in ranking against its CIPFA neighbours.
5. Mr McKenzie, Ms Agyepong and Ms Stirrup responded to comments and questions from the committee, including the following:
  - (a) asked whether a precedent existed where LGSCO had made unachievable recommendations, Mr McKenzie said he was aware of a report in relation to Staffordshire County Council where recommendations were less punitive on the local authority and more time was given to comply;
  - (b) asked about the repercussions of a second report from LGSCO stating the Council had failed to comply, Ms Agyepong said there was a reputational

risk for the Council and there was a need to weigh this risk against operational risk. Ms Agyepong said a large number of additional BIA's would be required to meet the recommendations and, along with the prioritisation of historical cases, would have an impact on the system including new applications;

(c) Mr Smith said since the Cheshire West judgment meeting demand had been a challenge for NHS and local authorities nationally. The replacement of the DOLS scheme with Liberty Protection Safeguards (LPS) would reduce demand and pressure on local authorities as assessments would last longer and there would be fewer authorisations made to the Council. Ms Stirrup said local authorities were still waiting for the Code of Practice which had not yet been published;

(d) asked about additional resources required to meet the recommendations, Mr McKenzie estimated an additional 96 Full Time Equivalent (FTE) BIAs would be required and said the DOLS team currently had 6.5 FTE BIAs with approximately 44 who worked within community teams and undertaking one assessment per month. Therefore, twice as many BIA's would need to be recruited on a full-time basis to undertake the work. Mr McKenzie said the workforce did not exist and, if attempted, would mean pulling workers away from other local authorities. In addition, some applications require assessment by Section 12 Doctors who were externally contracted and there would be resource implications for the advocacy service;

(e) asked how long it would take to train a BIA and whether this training could be promoted through the Council, Ms Stirrup said BIAs needed to be formally qualified as a nurse, occupational therapist, or social work practitioner. They would then undertake a formal BIA qualification involving a week's contact time with a university and support from the DOLS team in building a portfolio. Currently there was one cohort per year of 15 trainee BIAs and achieving the qualification took six months from end to end. Under the forthcoming LPS framework the BIA role would be replaced by the Approved Mental Capacity Professional (AMCP) role, and the new Code of Practice would advise further on the assessment process. Ms Stirrup said the Council was regularly advertising for BIAs but finding suitable candidates with the required qualifications and experience was a challenge;

(f) asked whether people could choose a medical assessor including a power of attorney, Ms Stirrup said following the assessment there was independent level scrutiny involving family members. In the event of family members challenging the assessment, the complaint system could be used and those with Power of Attorney could become involved; and

(g) asked about the 15,000 cases highlighted by the LGSCO as needing to be reviewed and when this would happen, Ms Stirrup said cases in the pending cohort were reviewed on a quarterly basis. Where circumstances had changed these cases were moved through the system. Ms Stirrup said cases were not left without oversight and where there were no family members the advocacy service was engaged.

6. Mrs Bell thanked Members for their questions and comments.

7. It was RESOLVED that the Local Government and Social Care Ombudsman report be noted, with thanks.

**21. 21/00081 - Care And Support In The Home Service Phase 2 - Supported Living**  
(Item. 10)

1. Mr Stephen introduced the report, about which there were no questions.
2. It was RESOLVED that the decision proposed to be taken by the Cabinet Member for Adult Social Care and Public Health to:
  - (a) Award contracts to additional providers as detailed in EXEMPT Appendix 1; and
  - (b) Delegate authority to the Corporate Director Adult Social Care and Health to take relevant actions, including but not limited to finalising the terms of and entering into required contract or other legal agreements, as necessary to implement the decision, be endorsed.

**22. Decisions Taken Outside Of The Cabinet Committee Meeting Cycle**  
(Item. 11)

The Committee NOTED that decisions 21/00063 – *Kent Integrated Domestic Abuse Service (KIDAS) Contract Extension* (this decision was noted under Item 9) and 21/00078 – *Princess Christian's Farm* had been taken in accordance with the process as set out in Part 2 paragraph 12.35 of the Constitution.

**23. Work Programme - 2021/22**  
(Item. 12)

The Democratic Services Officer said that since the work programme had been published an additional item – *Dynamic Purchasing System Update* - was added to the agenda for the December committee meeting.

It was RESOLVED that the committee's work programme for 2021 be noted.