

KENT COUNTY COUNCIL

ADULT SOCIAL CARE CABINET COMMITTEE

MINUTES of a meeting of the Adult Social Care Cabinet Committee held at Council Chamber, Sessions House, County Hall, Maidstone on Thursday, 31st March, 2022.

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

ALSO PRESENT: Clair Bell

IN ATTENDANCE: Clare Maynard (Interim Strategic Commissioner), Richard Smith (Corporate Director of Adult Social Care and Health), Chris McKenzie (Director of Adult Social Care and Health North and West Kent) and Sharon Dene (Senior Commissioning Manager)

UNRESTRICTED ITEMS

50. Apologies and Substitutes
(Item. 2)

Apologies for absence had been received from Ms Meade and Ms Wright. Mr Brady was present as a substitute for Ms Meade.

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

Mr Streatfeild declared a non-pecuniary interest in Item 7 - 22/00034 – *External Community Opportunities for People with Learning and Physical Disabilities* – and said a family member was in receipt of an Education, Health and Care Plan (EHCP).

52. Minutes of the meeting held on 18 January 2022
(Item. 4)

RESOLVED that the minutes of the meeting held on 18 January 2022 are correctly recorded and a paper copy be signed by the Chairman.

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

1. The Cabinet Member for Adult Social Care and Public Health, Mrs Clair Bell, gave a verbal update on the following, about which there were no questions.

- (a) The first Kent Care Summit took place on 2 March 2022 at the Kent Event Centre and was attended by over 300 people. Mrs Bell thanked Gina Walton and her team for a well organised and successful event. The Leader of the Council opened the Summit and a panel of local and national representatives including the Director General for Adult Social Care, the

Chief Executive of the Kent and Medway NHS Integrated Care Board and Head of Inspection at The Care Quality Commission (CQC) took questions on a variety of issues. Three main themes emerged from the summit including support for carers, putting the person at the centre, and workforce recruitment and retention. A follow-up virtual workshop was held on 23 March 2022 and a workshop was scheduled for 21 April 2022 to co-develop the summit ideas into actions.

- (b) Mrs Bell visited the Tenterden Wellbeing Social Prescribing Centre on 18 March 2022. The Centre provided visitors with information on local support and community organisations and operated a local scheme for distributing food and household items. Private rooms were available for conversations with a member of the social prescribing team.
- (c) Mrs Bell and the Leader of the Council attended the Healthwatch Recognition Awards in Ashford on 31 March 2022. The categories covered a range of health and social care services and recognised the efforts made by hospital trusts, social care and the voluntary sector.
- (d) The Virtual Dementia Tour Bus would be outside Sessions House on 13 July 2022 and Members should contact Mrs Bell's office to reserve a space.

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

- (a) Mr Smith and members of his team attended a social services event at the Kent Ambassadors in Whitstable on 15 March 2022 and presented an item on adult social care.
- (b) Mr Smith was pleased to report that the Council had won a silver Public Sector Transformation Award for engagement and communication. Lisa Clinton and her team had also won an award for the development of the people's voice and how local people were involved in developing and delivering services.
- (c) The operational and commissioning teams were focusing on the Social Care Reform and four areas had been prioritised - cost of care, the care cap, CQC assurance and the arrangement of care by the Local Authority.
- (d) Mr Smith was pleased to welcome Jim Beale, Director for East Kent, to the Adult Social Care Senior Leadership Team.

RESOLVED that the verbal updates be noted.

54. 22/00033 - Community Mental Health Wellbeing Service Commissioning
(Item. 6)

Ms Melanie Anthony, Senior Commissioner, and Ms Heather Randle, Commissioner were in attendance for this item.

1. Ms Anthony introduced the report and gave an overview of the Community Mental Health Wellbeing Service (also known as Live Well Kent) and the commissioning process.

2. Ms Anthony and Ms Randle responded to comments and questions from the committee, including the following:
 - (a) Asked about Medway Council's involvement in the service Ms Anthony said this related to the helpline in that area and the expansion would be met by Medway Clinical Commissioning Group.
 - (b) Asked about the integration of the service with the Children and Adolescent Mental Health Service (CAMHS) and how increased demand would affect those currently on the waiting list, Ms Anthony said the proposal to include the 14-35 year old Early Intervention for Psychosis Service was in addition to the CAMHS service. A member asked for information on how the Early Intervention for Psychosis Service would work in practice to come to a future Cabinet Committee.
 - (c) Asked whether the statistics of residents in Kent experiencing mental health problems included those with long covid or Ukrainian refugees Ms Randle said Live Well Kent was an open access service for anyone experiencing mental health problems and the contract could be varied if deemed appropriate to deliver newly identified services.
 - (d) Asked about the personal needs of service users and how their voices were being heard, Ms Randle said service user involvement ran throughout the service and service users designed the Live Well Kent identity and brand. The service was personalised and could be adapted and delivered against the needs of its users.
 - (e) Asked whether funding was sufficient to cover the service in its entirety considering increased future demand, Ms Anthony said the work on the wider transformation programme would ensure funding was available.

RESOLVED that the decision to be taken by the Cabinet Member for Adult Social Care and Public Health to:

- a) Commence joint commissioning activity for a Community Mental Health and Wellbeing Service; and
- b) Delegate authority to the Corporate Director Adult Social Care and Health to take other relevant actions, including but not limited to finalising the terms of and entering into required contracts or other legal agreements, as necessary to implement the decision

be endorsed.

55. 22/00034 - External Community Opportunities for People with Learning and Physical Disabilities
(Item. 7)

Mr Simon Mitchell, Senior Commissioner, was in attendance for this item.

1. Mr Mitchell introduced the report and gave an overview of the proposed service.

- (a) Asked whether the financial saving would affect service quality and future complex care prevention Mr Smith said significant savings were necessary to sustain the Adult Social Care Service and statutory services had to be protected as a priority. The Making a Difference Everyday (MADE) strategy was focusing on local communities and businesses to support people in different ways and prevent individuals accessing more expensive services. Mr Smith said assessed needs were met in a variety of ways through the Council's statutory duties and responsibilities under the Care Act 2014.
- (b) Asked about the impact on service users Mr Smith said a benefits realisation programme of work would look at the outputs for users and future reports to the Cabinet Committee would look at the positive impacts of the service on residents.
- (c) Asked about the forecast spending being lower than the allocated budget Mr Mitchell said the forecast was lower than the budget at present as it was still impacted by the Covid-19 pandemic with several services still closed or with limited accessibility.
- (d) Mr McKenzie said, in addition to the commissioned services, the ambition was to give young adults with learning disabilities more choice and control on how they access support in the community by way of increased self-directed support and direct payments.
- (e) Asked about the breadth of self-directed support available Mr McKenzie said this depended on the local community and involved local businesses and communities interested in supporting individuals with learning difficulties in meeting their needs.
- (f) Mr Mitchell said the groups of people who would access the service included adults in general and work with the children's services ensured a smooth transition and alignment in support into 16-25 year old and adults services.

RESOLVED that the decision to be taken by the Cabinet Member for Adult Social Care and Public Health to:

- (a) Approve the procurement for External Community Opportunities for People with Learning and Physical Disabilities; and
- (b) Delegate authority to the Corporate Director Adult Social Care and Health and Corporate Director Children Young People and Education to take relevant actions, including but not limited to finalising the terms of entering into required contracts of other legal agreements, as necessary to implement the decision

be endorsed.

Mr Streatfield, Mr Shonk and Mr Campkin asked for their votes against the recommendation to be noted in the minutes.

56. 22/00015 - Kent Adult Carers' Strategy 2022 - 2027
(Item. 8)

Mr Michael Thomas-Sam, Strategic Business Adviser Social Care, Ms Lisa Clinton, Stakeholder Engagement Manager and Mr Simon Mitchell, Senior Commissioning Manager were in attendance for this item.

1. Mr Thomas-Sam introduced the report and highlighted the key areas of the Carers' Strategy. Mr Thomas-Sam thanked the Members of the Cabinet Committee who took part in the Member co-production meetings.
2. Mr Thomas-Sam, Ms Clinton and Mr Mitchell responded to comments and questions from the committee, including the following:
 - (a) Asked about the survey Ms Clinton said there had been 387 responses in total and extensive engagement and co-production had taken place in advance of the consultation.
 - (b) Mr Thomas-Sam said progress monitoring and reporting would form part of regular reports to the Cabinet Committee. The Corporate Director would have the delegated authority to review the strategy mid-way through to ensure relevant factors were reflected before the end of the 5-year programme.
 - (c) Asked about reaching out to hidden carers Mr Thomas-Sam said the government had set out a plan to ensure improved data quality and profiling on individuals would inform what could be done locally.
 - (d) Asked about strategy resources Mr Smith said changes within Adult Social Care required the development of a delivery plan and re-prioritising and realigning budgets. Carers needed timely responses, access to information and inexpensive services. The strategy was the starting point of the process and would constantly be under review.

RESOLVED that the decision to be taken by the Cabinet Member for Adult Social Care and Public Health to:

- (a) Adopt the Kent Adult Carers Strategy 2022 to 2027;
- (b) Delegate authority to the Corporate Director Adult Social Care and Health to refresh and/or make revisions as appropriate during the lifetime of the strategy; and
- (c) 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 objectives of the Kent Adult Carers Strategy

be endorsed.

57. Adult Social Care Reform White Paper - Presentation
(Item. 9)

Mr Michael Thomas-Sam, Strategic Business Adviser Social Care was in attendance for this item.

1. Mr Thomas-Sam provided an overview of the Adult Social Care Reform White Paper and presented a series of slides (attached to these minutes).

2. Mr Thomas-Sam responded to comments and questions from the Cabinet Committee, including the following:
 - (a) Asked about ensuring residents received the right information Mr Thomas-Sam said it was important to reach out to those not known by social services and to provide examples of what the reform would mean for individuals based on their circumstances and resources. A Transforming Adult Social Care website had gone live nationally, and a local equivalent would be developed with providers and NHS partners.
 - (b) Members discussed the importance of promoting apprenticeships and future career options for young people working within the health and social care sector. Mr McKenzie noted the challenges in the current recruitment market and said innovative approaches were required to focus on the benefits and rewards of working within the health and social sector and the opportunities for progression. Working with health partner organisations would provide different types of opportunities for example joint apprenticeships in both health and social care.
 - (c) Members welcomed the suggestion of an All Member Briefing on the reform.

RESOLVED that the presentation on the Adult Social Care Reform White Paper be noted.

58. Risk Management: Adult Social Care and Health
(Item. 10)

Ms Helen Gillivan, Head of ASCH Business Delivery Unit, was in attendance for this item.

1. Ms Gillivan introduced the report and gave an overview of the strategic risks relating to the Adult Social Care and Health directorate and highlighted the two Adult Social Care risks on the Corporate Risk Register.
2. Ms Gillivan responded to comments and questions from the committee including the following:
 - (a) Asked how the financial saving from the External Community Opportunities for People with Learning and Physical Disabilities contract contributed to an increase in risk Mr McKenzie said the risks related to the safeguarding of vulnerable adults and the risk was high due to pressures in the market and recruiting the right staff into the workforce.
 - (b) Asked about cyber security and the security of providers' and the Council's IT systems Ms Gillivan said this was reviewed regularly and the Adult Social Care internal system had been transferred to a new hosting system which provided more assurance around the security of data.

RESOLVED that the Risk Management: Adult Social Care and Health report be noted.

59. Adult Social Care and Health Performance Q3 2021/22

(Item. 11)

Ms Helen Groombridge, Adult Social Care and Health, was in attendance for this item.

1. Ms Groombridge introduced the report and gave an overview of the 5 targeted Key Performance Indicators for the Council's Adult Social Care and Health services.
2. Ms Groombridge, Mr McKenzie, and Mr Smith responded to questions and comments from the committee, including the following:
 - (a) Asked about direct payments as a KPI Mr McKenzie said the Council's strategic ambition was for people to access more self-directed support and it was necessary to be ambitious about direct payments to achieve better and more cost-effective outcomes for people.
 - (b) Asked about *ASC15 - The number of people accessing ASCH Services who have a Mental Health need*, whether it would continue to stabilise and the factors that could initiate an increase in demand Ms Groombridge said the figures were increasing prior to the pandemic but at a slower rate than during the pandemic. The early indication was that the number was stabilising.

RESOLVED that the Adult Social Care Performance Report for Q2 2021/22 be noted.

60. Decisions Taken Outside of the Cabinet Committee Meeting Cycle

(Item. 12)

Mrs Bell gave an overview of the decision and explained why this had been taken outside of the Cabinet Committee meeting cycle.

RESOLVED that the decision - *22/00019 – Kara Contract Extension* - had been taken in accordance with the process as set out in Part 2 paragraph 12.35 of the Constitution.

61. Work Programme 2022

(Item. 13)

RESOLVED that the Work Programme 2022 be noted.

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Adult Social Care Reform

PRESENTATION TO THE ADULT SOCIAL CARE CABINET COMMITTEE

31 March 2022

Michael Thomas-Sam, Strategic Business Adviser



Background and introduction...1,4,3 in 12

| | Date of publication | Title of published paper | Type of published paper |
|------|---------------------|---|---|
| 2021 | 11 February 2021 | Integration and innovation: working together to improve health and social care for all | White Paper. Legislative programme |
| | 29 March 2021 | Transforming the public health system: reforming the public health system for challenges of our times | Policy paper. Established the UK Health Security |
| | 22 June 2021 | Data saves lives: reshaping health and social care with data | Policy paper |
| | 7 September 2021 | Building Back Better: Our Plan for Health Social Care | Policy paper |
| | 24 November 2021 | Health and Care Bill | Bill Introduced in the House of Commons. Puts ICB, ICP on statutory footing and amends s.15 of the Care Act 2014 in re: cap on care costs |
| | 1 December 2021 | People at the Heart of Care: Adult Social Care Reform | White Paper Reforming charging policy |
| 2022 | 2 February 2022 | Levelling Up the United Kingdom | White Paper |
| | 9 February 2022 | Health and Social Care Integration: joining up care for people, places and populations | White Paper Aligned & pooled budgets |

Chapter 1: Who cares?

What the White Paper says

- Acknowledges that social care is “at the heart of our communities” and “matters to everybody”
- It sets out the scale of social care affecting the lives of 10 million adults of all ages in England at any one time, is clear that it is about adults of all ages, notes the range of activities and settings underpinning social care
- Recognises that the care workforce is “our biggest asset”. It also recognises the “crucial contribution” of unpaid carers
- Over 1.5 million individuals – representing 4.6% of the 32.4 million people employed in England
- the legacy of the COVID-19 pandemic on both physical and mental health will also contribute to future demand for social care
- Precedes the forthcoming publication of a standalone strategy focused on those living with dementia and their carers

Chapter 2: Our 10-year vision for adult social care

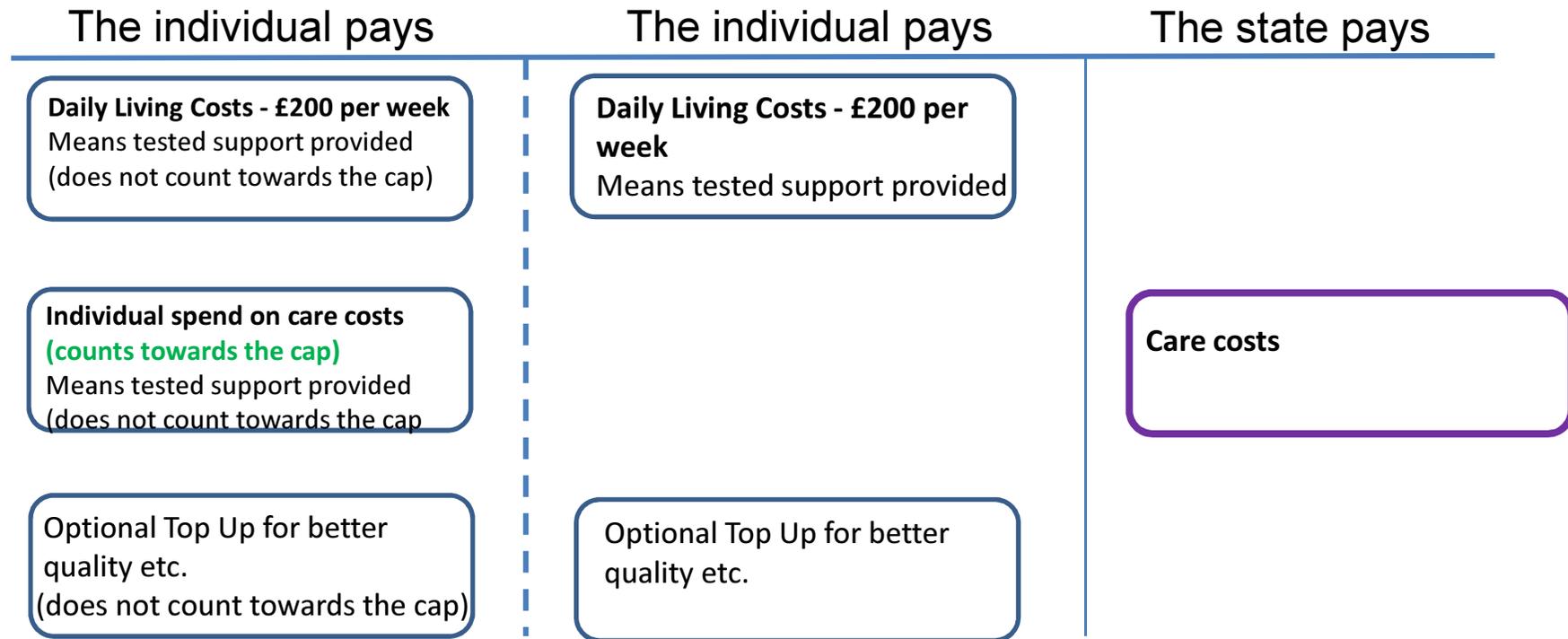
What the White Paper says

- Sets out a 10-year vision for care and support in England which puts people at its heart, centred on three key objectives:
 1. People have choice, control, and support to live independent lives
 2. People can access outstanding quality and tailored care and support
 3. People find adult social care fair and accessible
 - Access the right information and advice at the right time for people to understand the different options available to them that best meet their preferences and circumstances, including options for where care and support would best be delivered, and costs they may need to meet.
 - Create a fairer system where people who self-fund their care do not have to pay more than local authorities for the same service
 - Cap on personal care costs at £86,000 from October 2023
 - New means-test from October 2023 when the lower capital limit changes from £14,250 to £20,000 and upper capital limit from £23,250 to £100,000
-

How the cap will work in care homes

Before reaching the cap

After reaching the cap



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Note: Those receiving NHS continuing healthcare (CHC) and Free Nursing Care (FNC) are not affected

What does and does not count

Costs that count towards the cap

The cost, or in the case of self-funders what the cost would be, to the local authority to meet a person's eligible care and support needs:

- ✓ For a person receiving local authority financial support to meet their eligible needs this is the amount the person contributes towards the eligible needs specified in their personal budget, less daily living costs if included.
- ✓ For a self-funder meeting their own eligible needs this is the cost of meeting the person's eligible needs specified in their independent personal budget (IPB), less daily living costs if included.

Costs that do not count towards the cap

- Costs of meeting eligible care and support needs incurred before Oct 2023
- Costs of meeting non-eligible needs, even where the local authority has chosen to meet those needs.
- For people who receive care in a care home, daily living costs at the level set in the regulations.
- For people receiving local authority financial support, top-up payments by the person or a third party chooses to make for a preferred choice of accommodation.
- Costs of any service provided to the person which is not included in the personal budget or IPB, such as prevention and reablement services.
- Interest or fees charged under a deferred payment agreement.
- NHS-funded nursing care for people in care homes and NHS Continuing Health Care.

Chapter 3: Strong foundations to build on

What the White Paper says

- Acknowledges that there is “an abundance of good practice, aspiration, and the Care Act legislation provides strong foundations for our 10-year vision”
- States that the current Health and Social Care Bill, and the reforms in the White Paper will provide the basis for building on the foundation and address a number of key challenges facing the sector and where improvements need to be made
- Shaping healthy and diverse social care markets
- Variation in quality and safety of care
- Supporting our adult social care workforce
- Navigating the system and finding the right care and support
- Accelerating adoption of technology
- Expanding the choice of housing options
- Driving integration of health and care services

Chapter 4: Providing the Right Care, in the Right Place at the Right Time

What the White Paper says

- Sets out several investment commitments over the next 3 years to embed the strategic commitment in all local places to connect housing with health and care and drive the stock of new supported housing
- At least £300 million to integrate housing into local health and care strategies with a focus on increasing the range of new supported housing options
- At least £150 million additional funding to drive greater adoption of technology and achieve widespread digitisation across social care
- At least £500 million regarding social care workforce proposals such as the right training, portable care certificates and skills passport
- At least £570 million on a new practical support service to make minor repairs and changes in peoples' homes alongside increasing the upper limit of the Disabilities Facilities Grant for home adaptations such as stairlifts, wetrooms and home technologies.
- Up to £25 million to work with the sector to kick start a change in the services provided to support unpaid carers, with at least £5 million to fund a new national website to explain the upcoming changes
- £30 million to help local areas innovate around the support and care they provide in new and different ways
- £70 million to increase the support offer across adult social care to improve the delivery of care and support specialised housing

Chapter 5: Empowering those who draw on care, unpaid carers and families

What the White Paper says

- Outlines a range of measure designed to improve information and advice, empower unpaid carers and supporting autistic people and people with a disability into employment
 - Invest at least £5 million to test and evaluate new ways to help people navigate local adult social care systems
 - At least £5 million to fund a national website providing information and simple explainers about adult social care reform
 - Up to £25 million to work with the sector to kick start a change in the services provided to support unpaid carers
 - Test a range of new and existing interventions, which could include respite and breaks, peer group and wellbeing support, and new ways to combine these to maximise support.
 - On respite to explore different models of respite, how they are accessed and what the barriers to access are
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Chapter 6: Our strategy for the social care workforce

What the White Paper says

- Acknowledges that people working in social care need to feel recognised, rewarded and equipped with the right skills and knowledge
- A Knowledge and Skills Framework (KSF), career pathways and linked investment in learning and development to support progression for care workers and registered managers
- Funding for Care Certificates, alongside significant work to create a delivery standard recognised across the sector. This will improve portability, so that care workers do not need to repeat the Care Certificate when moving roles
- Continuous Professional Development (CPD) budgets for registered nurses, nursing associates, occupational therapists, and other allied health professionals
- Initiatives to provide wellbeing and mental health support and to improve access to occupational health

Chapter 7: Supporting local authorities to deliver social care reform and our vision

What the White Paper says

- £3.6 billion will be provided between 2022 and 2025 to reform the social care charging system and enable all local authorities to move towards paying providers a fair rate of care. Support will be provided for sustainable care markets and investment in strengthening market shaping capability
- Introduce a new assurance framework via a new duty for the Care Quality Commission (CQC) to independently review and assess local authority performance in delivering adult social care adult social care duties under the Care Act 2014 and ICSs
- Acknowledges that there is a lack of data and evidence on the extent to which care needs are not being met and hopes that better quality data, including client level data, will help increase understanding about both who accesses care, how and with what impact, and who does not and what the barriers are by establishing an adult social care data framework by Spring 2022
- New rights for self-funders to request local authorities to help

Chapter 8: Where do we go from here?

What the White Paper says

- Commits to working in partnership with stakeholders and people who draw on social care to develop and design the implementation of the White Paper's various measures
- Set up co-productive forums to ensure the voice of people who draw on social care is involved in the ongoing design and implementation of reform
- Housing: working with councils, housing providers and others to agree how to target investment in housing and design the 'Innovative models of care programme'
- Disabled Facilities Grant: consult on changes to the upper limit for the Disabled Facilities Grant
- Digital and technology: publish a social care technology blueprint and develop advice on 'what good looks like' for social care technology
- Information and advice: develop and refine further policy proposals on information and advice
- Unpaid carers: set up a series of workshops with stakeholders to inform the development and direction of the funding earmarked to support unpaid carers
- Workforce: co-develop new career pathways, the new national KSF investment

Conclusion

- The extension of the means-test and the introduction of the cap on care costs from October 2023, will have effect in two key ways (1) cause **changes to operational and system processes** and (2) lead to **significant increase in workload**
- The fundamentals of the policy proposals are known BUT, there have been some policy shift and some of the details are still to be confirmed
- Every likelihood that the financial impact flowing from **section 18(3)** and elimination of self-funders cross subsidies will be huge and add to the **pressures on council's budget**, if, adequate funding is not provided
- We should not underestimate the **public communication challenges** because of the difference between perceived headline media reports and the public's understanding of the details of the policy
- Based on the previous work that was done we should have high confidence of **managing the changes successfully**

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