

## KENT COUNTY COUNCIL

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### **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 Tuesday, 21 September 2010.

PRESENT: Mr K H Pugh (Vice-Chairman, in the Chair), Mrs A D Allen, Mr R Brookbank, Mr L Christie, Mrs P T Cole, Mr N J Collor, Mr J M Cubitt, Mr M J Jarvis, Mr S J G Koowaree, Mr J E Scholes and Mr C P Smith

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

IN ATTENDANCE: Mr O Mills (Managing Director - Adult Social Services), Mrs M Howard (Director Of Commissioning And Provision - West Kent) and Miss T Grayell (Democratic Services Officer)

#### **UNRESTRICTED ITEMS**

##### **74. Minutes of the meeting held on 25 June 2010**

*(Item A3)*

RESOLVED that the minutes of the meeting held on 25 June 2010 are correctly recorded and that they be signed by the Vice-Chairman.

##### **75. Revised Meeting Dates for 2011**

*(Item A4)*

1. Since publishing the dates for its 2011 meetings in the June agenda, the March 2011 meeting had changed to 7 April 2011.
2. RESOLVED that the revised dates for the POSC's meetings in 2011 be noted.

##### **76. Cabinet Member's and Director's Update (oral)**

*(Item A6)*

1. Mr Gibbens gave an oral update on the following issues:-
  - a) *Training for Mental Health Guardianship Panels:* More volunteers from ASSPOSC were encouraged to take part in the training being arranged by KASS and Democratic Services to equip Members to serve on the Panel.
  - b) *a recent Valuing People Now event:* This had been a good positive event with an encouraging level of commitment. However, District Partnership Groups across Kent were seeking more volunteer Co-Chairmen and advocates. Mrs Allen and Mr Koowaree both added that their involvement in these bodies had been enlightening and rewarding

and they encouraged other Members to attend and become involved in their local Groups.

- c) *update on the Older People's Review*: The consultation on this would end on 1 November, and Mr Gibbens had been visiting residents' groups around the county.

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

- a) *Queen Elizabeth Foundation (QEF)/Active Lives Network survey outcomes*: An information report was tabled and a brief video clip shown of a client with physical disabilities talking very positively about the new services he has been able to access since the change of service provision and the closure of the QEF centre in Dartford two years ago.
- b) *Housing 21 Annual Survey for Better Homes and Active Lives (BHAL) project*: The Housing 21 survey had produced good quality, useful data and the BHAL project was now fully operational.

## **77. Presentation - 'Liberating the NHS'; an overview of the Health White Paper**

1. Mr Mills presented a series of slides setting out the key points, process and timetable for the White Paper. He and Mr Gibbens answered questions from Members, and the following points were highlighted:-

- a) the likely scale of GP consortia was not yet clear, and would be decided by GPs themselves, to suit their locality and the local population. The situation would be clearer by the end of 2010;
- b) b) Members were assured that the consultation on the White paper was genuine and open and that Members' comments made today and later would be counted. Today's presentation was a summary of key issues to help Members' understanding of the likely effects on adult social care provision, and there were other aspects to be covered. All Members would have an opportunity to debate the issue fully at the October County Council meeting. An interim response would be sent by the KCC to meet the DoH deadline of 11 October, with a supplementary response sent to follow the County Council meeting on 14 October;
- c) previous consultation on the Green Paper on the funding of Adult Social Care had shown that most of the UK population had supported the idea of adult social care being funded by tax payers, although the major political parties had considered it could not be fully funded in this way; and
- d) there was, as yet, little detail on the status of the new National Health Watch bodies. County Members would have a role to play in shaping these local bodies.

2. RESOLVED that the information given in the presentation and in response to Members' questions be noted, with thanks.

## **78. Discussion - Informal Member Group (IMG) to look at the Adult Social Services Budget**

1. The Vice-Chairman read out a statement which had been prepared by the Cabinet Member for Finance, Mr J Simmonds, to be read out at meetings of each POSC. Each Member was given a copy of the statement and there followed a brief discussion.
2. Members were unhappy at being told they should not continue with planned meetings of the IMG, as the 'scene-setting' discussions which they had at the IMG's first meeting had been really helpful in expanding Members' understanding of budgeting issues. The earlier start of IMGs and longer lead-in time this year would be very helpful in preparing Members for the difficult decisions needed later.
3. It was acknowledged that Members would not be able to, and did not expect to, make any decisions yet about where savings could be made. This level of discussion and decision making could only take place after the Comprehensive Spending Review on 20 October.
4. The Vice-Chairman proposed, and Mr J Cubitt seconded, that the IMG continue its work, and that the meeting planned for 7 October go ahead.

*Carried unanimously*

5. RESOLVED that the meetings of the Informal Member Group to look at the KASS budget continue as planned, with the next one taking place on Thursday 7 October.

## **79. Adult Social Services Budget Forecast Report 2010/2011 (Item B1)**

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

1. Miss Goldsmith introduced the report and answered questions from Members. The issues highlighted were as follows:-
  - a) it would be very useful to have an Executive Summary at the start of future reports to set out the key issues before presenting more detailed information and spreadsheets. The report which had previously been presented to Cabinet and was now presented to each POSC would still be included;
  - b) virement between budget headings was a necessary tool when planning and estimating complex budgets a long way in advance. Adjustments would always be necessary, and the earliest part of the financial year tended to see the biggest adjustments; and
  - c) it would be very useful for Members to be given a definition of what is meant by 'management action' in managing budgets. This would include measures such as not filling vacancies.

2. RESOLVED that:-

- a) the information set out in the report and in response to Members' questions be noted, with thanks; and
- b) future budget monitoring reports start with an Executive Summary to set out the key issues, and the next report include a definition of what is meant by 'management action'.

## **80. Kent Adult Social Services Debt Position, July 2010**

*(Item B2)*

1. Miss Goldsmith introduced the report and explained that it was the first in a new style with a different breakdown of figures. Points arising from questions and discussion were as follows:-

- a) the downward trend of debt levels was noted and commended, and Members congratulated staff on the efforts put in to pursue and reduce the extent of client debt;
- b) the key aim now, as set out in the new debt management system which started in January 2010, was to control new debt to avoid it becoming established debt;
- c) debt outstanding at the time of a client's death could sometimes be recovered through their estate or by probate, although this could be a lengthy process. However, pursuing such debt was not always a viable option; and
- d) money owed to KASS by the NHS would not be adversely affected by the changes being made in the White Paper, as some apparent 'debt' was a result of timing or cash flow. However, debt between NHS and KASS would be carefully tracked over the change period to ensure that KASS did not lose out.

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

## **81. Overview of Performance**

*(Item B3)*

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

1. Mr Sherlock introduced the report and explained that it was a summary of KASS's performance brought together from three headings – the Towards 2010 final report, the Draft KCC Annual Performance Report and the Core Monitoring Report.

2. In discussion, and in response to Members' questions, the following points were raised:-

- a) progress against Target 53 had been achieved with the help of discussions between the Carers Advisory Group and Carers Joint Commissioning Group, and Members would be advised of the details and outcome of these latest discussions;
  - b) although progress against Target 55 had been good, and this is to be welcomed, this inevitably brought a cost to the KCC as more profoundly disabled children survive childhood to go through the transition period and need to access adult services;
  - c) Members commented that the reporting of 'outcomes' and 'inputs' was confusing, and it would help Members' understanding of the picture if some more definition could be added to future reports, eg outcomes being identified as qualitative or quantitative. Ongoing effectiveness would also need to be measured and reported. Mr Sherlock explained that Performance Indicators had changed since these targets had been set, and new, innovative ways of measuring gave more flexibility and scope for recording different detail; and
  - d) Supported Employment and the Connexions service offer valuable support to young people, and it is a pity that these are to be affected by the public sector spending reviews.
3. RESOLVED that the information set out in the report and in response to Members' questions be noted, with thanks.

**82. Bold Steps for Kent - update**  
(Item B4)

*Mr D Whittle, Policy Manager, was in attendance for this item.*

1. Mr Whittle introduced the report and explained that it was being submitted in draft form to all POSCs to allow Members a chance to comment on the priorities within it.
2. In discussion, Members made the following comments on the draft and the process:-
  - a) the content of the document was not necessarily bold or imaginative. For example, a number of actions under the five key themes were things that the KCC was doing already as a matter of course;
  - b) Kent should strive to be an exemplar in the services it provided for vulnerable people;
  - c) one 'bold step' would be to consider whether or not the division of Children's and Adults' Social Services was the right way to organise them; and
  - d) it was not necessary for steps to be bold, as long as the KCC's commissioning and provision mechanisms were providing the best service and the best value to the people of Kent.

3. RESOLVED that:-

- a) the information given in the report be noted, with thanks; and
- b) Members' comments on its content be taken into account when preparing the final document.

**83. Procedure for Consultation on the Modernisation, Variation or Closure of Services run by Kent Adult Social Services (KASS)**  
*(Item B5)*

*Mr D Waller, Directorate Manager: Governance, Member Support and Communication, was in attendance for this item.*

1. Mr Waller introduced the report, which was seeking Members' views on, and endorsement of, the revised procedure. Members welcomed and supported the report and congratulated officers on its clear layout. Comments made on its content were as follows:-

- a) the most important aim was to ensure good governance in the way in which the KCC delivered its services and avoid any grounds for challenge or judicial review;
- b) the process is clearly laid out and the public can see its transparency; and
- c) the involvement of local KCC Members early in the consultation on a proposal was welcomed.

2. RESOLVED that the revised procedure be endorsed.

**84. Kent Adult Social Services - Public Involvement and Consultations Report**  
*(Item B6)*

*Mrs L Longhurst, Policy Manager, Public Involvement and Customer Care, was in attendance for this and the following item.*

1. Mrs Longhurst introduced the report and answered questions from Members. Points arising were as follows:-

- a) public groups could become involved in consultation via the Area Involvement Groups, which acted as an independent link between the public and the KCC;
- b) feedback on the consultation on the Domiciliary Care re-let would be reported to a future meeting of the POSC;
- c) KASS linked to the Community Liaison Managers and Local Boards via the Corporate Board;

- d) Members commented that a report dealing with public involvement should use clear terms and avoid the use of acronyms which some people might not understand; and
  - e) literature was translated into other languages for minority ethnic communities, but more links to these communities were needed.
2. RESOLVED that the information set out in the report and given in response to Members' questions be noted, with thanks.

## **85. Adult Social Services Annual Complaints Report**

*(Item B7)*

1. Mrs Longhurst introduced the report and explained that this was the first full-year report since KASS had introduced the new, simplified complaints procedure which allowed KASS more flexibility about the approach it took to handling complaints.
2. Mrs Howard emphasised that KASS had always welcomed customers' comments and complaints as a way of constantly testing and improving its service provision, and assured Members that complaints were taken very seriously by the KASS management teams.
3. There had been a 20% increase in complaints in the last year, and the reason for this was difficult to analyse accurately, but Members were assured that only 1% of contacts with clients lead to complaints.
4. In discussion, and in response to Members' questions, the following points were highlighted:-
- a) customer care training for KASS staff included how to deal promptly with any complaint so it could be resolved before going any further into a formal procedure;
  - b) 'easy read' versions of the complaints procedure aimed to help vulnerable clients and those with learning disabilities to be aware of their right to make a complaint if they are not happy with their service, and how they should go about it;
  - c) 70% of complaints received by KASS come from relatives of clients, but analysis of the complaints received tended to break them down by service type as this was more useful than analysing the source of complaints;
  - d) the report included a comparison of the number of enquiries, merits (compliments) and complaints for 2008/09 and 2009/10 by type of record but not by area, and it would give a fuller picture if future reports could offer this yearly comparison consistently for all aspects;
  - e) Members asked to be told which areas the upheld complaints referred to, either in terms of geographic or subject area, so any trends could be identified and then addressed; and

- f) it would be useful also to have some indication of how each complaint had been treated, how quickly, and if the outcome was satisfactory to both parties.

5. Mr Mills thanked Members for their comments on the information reported, which would help officers to adapt and improve the reporting style to ensure Members received the information they wanted.

6. RESOLVED that the information set out in the report and in response to Members' questions be noted, with thanks, and that Members' comments be taken into account when preparing next year's report.

## **86. Self Directed Support (including Personal Budgets and Direct Payments)** *(Item D1)*

*Mrs P Huntingford, Transforming Social Care Lead Officer, was in attendance for this item.*

1. Mrs Huntingford introduced the report and highlighted the breadth of choice and control that Self Directed Support (SDS) offered clients over the support and services they required and how they wished to access those services. For KASS, however, delivering SDS was a very complex process. National Indicator NI 130 did not reflect the aims that KASS had for its SDS services, but it was well placed to meet this target. Mr Mills added that the brief video clip that Members had viewed earlier in the meeting gave a good example of how a client could shape their own services using SDS.

2. In discussion, Members praised the clarity of the report and made the following comments:-

- a) it would be helpful to illustrate the SDS process if Members could see some examples of cost assessments and support plans (obviously for anonymous clients), and Mrs Huntingford undertook to supply these;
- b) Members were assured that, although KASS was obliged to offer a Direct Payment option to all new clients, no-one would be pressured to take up a Direct Payment if they did not wish to;
- c) KASS provided a Criminal Records Bureau (CRB) checking service to clients engaging personal assistants using their Personal Budget and Mrs Huntingford undertook to find out the cost of this service to the KCC and advise Members;
- d) by engaging a personal assistant, a client would become an employer and would need to take on responsibility for managing their employee's National Insurance contributions, tax, holiday entitlement, etc. KASS has produced a handbook to guide clients through these issues, and Employment Support Advisors are available to guide and advise; and
- e) a Kent client holding a Personal Budget who then moved to another local authority would be subject to the assessment criteria and regime

of the new authority, so would have to re-apply and be re-assessed. As Kent is unusual amongst local authorities in having retained its 'Moderate' eligibility criteria, any service user leaving Kent may therefore find the local authority they move into has set its eligibility criteria at a higher level. However, Department of Health guidance requires the new authority "to take account of the support that was previously received and the effect of any substantial changes on the service user when carrying out the assessment and making a decision about what level of support will be provided".

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

**87. Update on Select Committee Work**  
*(Item E1)*

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