

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, 16 November 2010.

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

ALSO PRESENT: Mr G K Gibbens

IN ATTENDANCE: Mr O Mills (Managing Director - Adult Social Services), Mrs M Howard (Director of Operations), Mrs A Tidmarsh (Director of Commissioning and Provision - East Kent) and Miss T Grayell (Democratic Services Officer)

UNRESTRICTED ITEMS

88. Minutes of the meeting held on 21 September 2010

(Item A4)

RESOLVED that the Minutes of the meeting held on 21 September 2010 are correctly recorded and they be signed by the Chairman.

At the September meeting, it had been fully expected, and Members had been advised (Minute 77), that the NHS White Paper would be debated by the County Council on 14 October. This had ultimately not been possible, and the Chairman and Cabinet Member both expressed their regret and disappointment that this debate had not happened.

Since the last meeting of the POSC, all Members of the County Council had been given a full briefing on the content of the White Paper.

89. Chairman's Announcements

(Item A5)

1. Before the commencement of business, Members stood in silence as a mark of respect for three County Council Members, Roger Frayne, William Richardson and Godfrey Horne, who had recently passed away.
2. The Chairman welcomed Steven Chapman, who was attending the meeting as an observer. Steven is actively involved in Voice for Kent and other bodies, and is a Co-Chairman of the Kent Partnership Board.
3. Members from the POSC were encouraged to volunteer to undergo training to serve on the Mental Health Guardianship Panel. The Panel would be holding its

annual meeting to review the current register on 21 January 2011, and Members of the POSC would be formally invited to become involved.

4. Finally, the Chairman referred to media coverage that morning of stem cell work, which, it was hoped, would benefit stroke patients.

90. Cabinet Member's and Director's Update (oral)

(Item A6)

1. Mr Gibbens gave an oral update on the following issues:-

- a) *Live appearance on the BBC's Politics Show on 7 November:* He had been interviewed on the future care of older people in the South East. This had been a good opportunity to raise and publicise the issue and the impact the White Paper would have on it.
- b) *the National Children and Adults Services (formerly ADASS) Conference in early November:* The Coalition Minister for Social Services, Paul Burstow, and the Secretary of State for Health, Andrew Lansley, had made some informative speeches about the new Health and Wellbeing Boards and joint working of Children's and Adults' Social Services. These presentations had emphasised the Government's concern for Adult Services, and the need for Joint Strategic Needs Assessments (JSNAs) to be truly joint.
- c) *The Local Government Association Conference:* He had spoken at this Conference on 15 November about equalities and supporting older people, and the importance of links between Health, Older Persons' Services and transport systems.
- d) *Radio 4 'Today' programme on young carers:* This had highlighted a much higher prevalence of young carers than had previously been understood, with 1 in 12 teenagers being a carer for a family member. This figure was four times higher than previously thought.
- e) *new Health and Wellbeing Boards:* The work of the new boards will be driven by Members, working with key strategic partners. Although their inception was included in the White Paper, much of the detail around the status and operation of these Boards is as yet unclear.

The Chairman said he would press for a joint briefing for HOSC and POSC Members on the new Boards, and the POSC should have regular update reports on the progress of the many threads of new work emerging from the NHS White Paper and its associated developments.

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

- a) *Age Concern:* Good local discussion was taking place between KCC and local Age Concern groups across the county, and an update item on this was offered for the January meeting of the POSC.

- b) *KASS management changes*: Margaret Howard had recently been appointed as the Director of Operations in KASS on a secondment basis, with Cathi Sacco acting up in her former role as Director of Commissioning and Provision in West Kent and Anne Tidmarsh continuing in the equivalent role in East Kent. Mr Mills undertook to send a written update to all POSC Members to set out the latest changes.
- c) *the National Children and Adults Services (formerly ADASS) Conference*: A new draft concordat, 'Think Local, Act Personal', was launched at the recent conference. This would succeed the 'Putting People First' concordat, which was launched in December 2007. In response to a question, Mr Mills confirmed that a draft of the new concordat would be sent to all POSC Members for their comments, and he offered an update item for the January meeting of the POSC.
- d) *New Government vision for Adult Social Services 'Capable Communities and Active Citizens'*: A new vision had been launched on 16 November, the day of the POSC meeting, and an update item on this was offered for the January meeting of the POSC.
- e) *Delayed Transfers of Care*: This issue would continue to be closely monitored, as the number of delayed transfers was always likely to rise in the winter months. However, Adult Social Services only ever had responsibility for no more than 20% of delayed transfers.
- f) *'Living Longer' media coverage*: Mr Mills had been asked on this programme to comment on an increase in the number of complaints received by KASS. He had advised that the increase was due to clients and families being more enabled to make a complaint. He also reassured Members that KASS received more compliments than it did complaints. He undertook to ensure that future 'Complaints and Compliments' reports to the POSC showed figures for both, set against an age profile, to give a fuller picture of the pattern.
- g) *'Unbefriended' people in Care Homes*: This issue had received recent media coverage, and Mr Mills advised Members that KASS had a statutory responsibility to intervene through safeguarding procedures if there was any evidence of significant harm to a resident who had no visitors or social contact. Caring for the elderly was increasingly being seen as a duty of everyone in society, not just Social Services.

91. Adult Social Services Budget Forecast Report 2010/11 and KASS Debt Position September 2010

(Item C1)

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

1. Miss Goldsmith introduced the report and explained that the small increase in the level of debt had been temporary only and had arisen purely due to timing issues.

In discussion, and in response to questions and comments from Members, the following points were highlighted:-

- a) an increase in the number of debt write-offs in 2009/10 had arisen from the establishment of the new debt recovery function in KASS, as the new team had cleared a number of small historic debts which were not economical or possible to recover - for example, if a deceased client's estate had no funds left after probate;
 - b) legal advice is taken, when it is considered cost-effective to do so, on the feasibility of pursuing debt, and the best method to use. Debt Recovery Officers make personal visits and have face-to-face negotiations with clients, as well as sending letters seeking repayment; and
 - c) debts which are less than one year old will not usually be written off but will be pursued as far as is feasible and cost-effective. On the rare occasions when a recent debt is written off, this will always be when a client is deceased.
2. RESOLVED that the information given in the report and in response to Members' questions be noted, with thanks.

92. Budget 2011/12 and Medium Term Financial Plan 2011/12 to 2012/13
(Item C2)

1. Miss Goldsmith introduced the report and explained that the cash limits for each Directorate were presented for the next two years only, rather than for the usual four years. KASS would lose out on Preserved Rights funding, and the demographic pressures had been higher than expected.

2. The Chairman added that the POSC had held three meetings of an Informal Member Group (IMG), which had been immensely useful in giving Members a deeper understanding of the structure and complexity of the KASS budget, and said that a further meeting would be helpful, as the picture of available funding was not yet clear enough for Members to be able to make an informed judgement of funding priorities for the next year.

3. In discussion, and in Miss Goldsmith's and Mr Mills' responses to questions and comments from Members, the following points were highlighted:-

- a) the Disabled Facilities Capital Grant was given to local housing authorities to allocate against locally-made decisions. It was not ring-fenced, which allowed more flexibility over spending, but this lack of protection also presented a risk;
- b) the current budget related to the KCC directorates in their current form, and the first budget to be published in the new year would be in this form. As the new structure became clear, the budget would be restructured to fit;

- c) any change to eligibility criteria would need to be a Member decision, but other authorities who had raised their eligibility criteria had not necessarily found any financial benefit. Kent's Moderate eligibility criteria worked very well; and
- d) 85% of the KCC's social care services were purchased from external providers, and the draft Bold Steps for Kent document set out a robust policy to get the best value for public money.

4. The Cabinet Member, Mr Gibbens, added that, in removing ring-fencing, Ministers had sought to give local authorities maximum flexibility on how to spend their funding allocations. He emphasised that, at the recent NCAS Conference, Ministers had acknowledged the importance of protecting the vulnerable client groups that KASS worked with. He had said in his Politics Show interview that eligibility criteria should be kept at Moderate, alongside active promotion of the preventative agenda.

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

Members did not offer priorities for delivering the indicative cash limits as the picture of available funding was not yet clear enough for Members to be able to make an informed judgement.

93. Mid-Year Results for Performance 2010-11 (Item C3)

Mrs S Abbott, Head of Performance and Management Information, was in attendance for this item.

1. Mrs Abbott introduced the report and answered questions from Members. Points highlighted by questions and comments were as follows:-

- a) performance in some areas of KASS's work are not subject to a National Performance Indicator but are still reported to Members to show continuing good practice. These areas include supporting older people to live at home and thus minimise permanent care home placements and an enablement service linked to Self Directed Support. It is hoped that future NPIs will include these aspects of KASS's work;
- b) the mid-year position for NI130 has changed since writing the report and is now 15% rather than 12%. However, the way in which performance against NI130 is calculated does not show the full picture. Clients with a Personal Budget would increase this figure immensely if they were to be counted. Approximately half of the 5,199 clients with a Personal Budget have a Direct Payment. Mrs Abbott said she would give more detail in the next performance report to distinguish the two more clearly; and
- c) NI146 was new last year, so only a partial year's performance could be reported and the result does not reflect the way in which local authorities work.

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

94. Live it Well - Mental Health Strategy for the Next 5 Years
(Item C4)

Mr P Absolon, Social Care Commissioner for Mental Health, and Ms K McArthur, Consultant in Public Health, NHS Medway, were in attendance for this item.

1. Mr Absolon introduced the report and explained that the Live it Well strategy had been launched on 10 October, having been reported to and welcomed by the POSC in March 2010. The development of the Draft Kent and Medway Multi-Agency Suicide Prevention Strategy, which was attached for Members' approval, was one of the commitments of the Live it Well strategy, and replaced a previous strategy launched in 2002.

2. Ms McArthur explained that the multi-agency group which had been set up in November 2009 included representatives from PCT, Local Authorities, Police and the Samaritans. Points highlighted by questions and comments were as follows:-

- a) there was currently no specific initiative to address the issue of young people committing suicide under the influence of internet campaigns or pacts, and this would be a good issue for a national initiative;
- b) suicide had previously been more of a problem for teenagers and young people, but the poor economic climate, increasing unemployment and debt, and social isolation of people living alone meant that older adults were now more of a risk group. There would need to be a way of identifying isolated and lonely people; and
- c) it would be reasonable to expect suicide rates to be higher in areas of greater deprivation, but this was not borne out by statistical evidence.

3. RESOLVED that:-

- a) the information given in the report and in response to Members' questions be noted, with thanks.
- b) the Draft Kent and Medway Multi-Agency Suicide Prevention Strategy be welcomed and approved.

95. Safeguarding Vulnerable Adults
(Item C5)

Mrs C McKeough, Adult Protection Policy Manager, was in attendance for this item.

1. Mrs McKeough introduced the report and answered questions from Members. In discussion, and in Mrs McKeough's and Mrs Tidmarsh's responses to comments and questions, the following points were highlighted:-

- a) it had been a struggle to get some District Council housing colleagues on board to include their community housing teams in joint training with KASS staff, but both were now running and taking part in training to raise staff awareness of vulnerable adults in the community;
- b) KASS would not choose to place its clients in homes rated as 'poor' or 'adequate' by the Care Quality Commission, but client choice does at times mean that places are funded in homes rated as 'adequate'. However, other local authorities continue to place clients in Kent in homes that KASS would not use. KASS does not monitor homes which it does not use, so the monitoring of these premises relied on the CQC inspection process and any reports by the public that something did not seem right. Any member of the public wishing to report concerns could do so via the Kent Contact and Assessment Service (KCAS) where their concern would be recorded and relayed to a local team for action;
- c) clients using Direct Payments are helped to understand how to safeguard themselves when selecting and engaging care staff directly, and KASS can arrange and pay for CRB checks on care staff on clients' behalf. KASS could refuse to release Direct Payment money if it is to employ someone whom they suspect of having a poor safeguarding record. There had not been any appreciable increase in the number of adult protection alerts since the introduction of Direct Payments;
- d) there were more adult protections alerts in East than in West Kent, and this is primarily because there were more care homes in East Kent. There may also be some issues related to the way alerts are defined and/or recorded, and officers undertook to investigate the figures and advise Members of the reasons; and
- e) all care homes, whoever they are run by, are required by CQC to have a Safeguarding Adults Policy and Procedure, and homes run by the private sector must have the same stringent standard of safeguarding protection as KCC homes.

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

3. The Cabinet Member, Mr Gibbens, commented that safeguarding of vulnerable adults was one of his and the Deputy Cabinet Member's key priorities. He explained that he receives a confidential quarterly report on safeguarding issues, to which he pays very close attention. He reassured Members that he had never found anything which had concerned him, but he had sought further clarification and information on a few occasions.

96. Update on the Whole Systems Demonstrator (WSD) and the Outcomes of the Kent Telehealth Pilot
(Item C6)

Ms H Price, WSD Programme Manager, was in attendance for this item.

1. Ms Price introduced the report and received Members' congratulations on the progress made.
2. RESOLVED that the information given in the report be noted, with thanks.

97. A New Service Model for the Re-provision of Day Activities for People with a Learning Disability in the Ashford District

(Item D1)

Mr A Mcmillan, Project Manager, and Ms P Southern, Head of Strategic Commissioning, Learning Disabilities, were in attendance for this item.

1. Ms Southern introduced the report and presented a series of slides which set out the background to and context of the changing shape of service provision. She answered a number of questions from Members, and the points highlighted were as follows:-

- a) the programme was generally welcomed as an excellent innovation, and Members commented that this sort of service provision should be rolled out across the whole county;
- b) Members congratulated the project team on the way the change had been managed;
- c) Members were reassured that no existing services would be closed until all the planned alternatives were in place and fully operational, and the planned timetable shown in the slides was flexible;
- d) it was acknowledged that a very important issue in the re-design of services was the collective social life of service users and the comfort, familiarity and confidence this gave them, which helped them to cope with change;

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

98. Disabled Persons' Registration Card

(Item E1)

Mr D Douglas, Policy Officer, was in attendance for this item.

1. Mr Douglas introduced the report, set out the background to the scheme and the example currently in use by Nottinghamshire County Council and explained that Members were being asked to choose which of the three options presented was the most appropriate option for future action in Kent. Points highlighted by questions and comments were as follows:-

- a) to offset the cost of the card, it was suggested that the assessment process and administration of the card be combined with that for the Blue Badge Scheme;

- b) the card scheme would be separate to the RADAR key scheme for accessing disabled toilets, as the RADAR key does not allow access to anything other than toilets in the RADAR scheme; and
- c) the report proposed that the scheme should have a full-time administrator, based on an estimate of the number of cards to be issued. Nottingham had issued 1,200 cards in its first year of running the scheme, and Kent has twice the population of Nottinghamshire.

2. Members then voted on the three options presented, and the results were as follows:

Option 1 - Do Nothing: *no votes*

Option 2 - Endorse the Nottinghamshire model for introduction in Kent: *3 votes*

Option 3 - Publicise National Initiatives: *6 votes*.

To this option, Members added the comment that Kent would add the scheme to a list of possible future work to be approached, and would do what it could afford.

4. RESOLVED that:-

- a) the information given in the report and in response to Members' questions be noted, with thanks; and
- b) the third option listed – 'Publicise National Initiatives' – be adopted as the way forward, with the added comment that Kent would add the scheme to a list of possible future work to be approached, and would do what it could afford.

99. Change to Keep Succeeding

(Item E2)

Mr J Hawkins, Transformation Project Manager, was in attendance for this item.

1. Mr Hawkins introduced the item and answered questions from Members. Points highlighted by questions and comments were as follows:-

- a) Mr Mills said that, as a formal consultee of the reorganisation, he had not been able to be as much involved in the reorganisation process itself as he would like to have been;
- b) when debating the proposals at County Council, Members would want to be clear of, and be able to support, the views of the Directors who were affected by the change, and expressed concern that Directors had not been adequately involved. Mr Hawkins advised Members that the proposals had been discussed extensively with each Director and within each Directorate. However the process is that the Group Managing Director makes her recommendation to Council, having considered all views, and that recommendation would not necessarily be a consensus view;
- c) Members had asked in the past about KASS finance and personnel teams being based within the Directorate, and had been told that, due

to the very complex and specialised nature of the KASS budget, KASS needed to have its own experienced and specialised in-house finance and personnel staff. Mr Hawkins explained that the proposed new structure placed finance staff in a centralised team, but that staff in that team would specialise in the KASS budget and work closely alongside other KASS teams. The Directorate would not, however, have management responsibility for finance staff;

- d) the new structure was being proposed at the same time as a very difficult budget-setting process, but Mr Hawkins reassured Members that it was important to introduce a new structure now to prepare the KCC for future challenges. The draft budget would be based on the existing structure and re-structured later to respond to the structural change;
 - e) the new 'Directorate' headings listed in the proposed structure need not necessarily be led by a 'Director' but could be led by a 'Head of Service' at a lower grade. Not all posts listed as 'Directors' would necessarily be on the same pay grade. These were currently being assessed using the Hay system. Members commented that they would expect someone listed as a 'Director' of a service to have an expertise in the subject area covered by their Directorate; and
 - f) when debating the issue in County Council, Members would need to have a full and frank appraisal of the background to the proposal, how it had been arrived at and what it would achieve. Mr Hawkins advised Members that the report would set out the context of and reasons for the proposals, but that comments from current Directors would be presented in very general terms and would not be personally attributed.
2. RESOLVED that the information given in the report and in response to Members' questions be noted, with Members' expectation that views expressed in the full County Council debate on 16 December will be carefully taken on board.

100. Update on Select Committee Work
(Item F1)

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