

Kent Adult Social Services
Response to recommendations from Cabinet Scrutiny Committee - 19
January 2011.

Older Person's Modernisation (19 January 2011)

Cabinet portfolio: Mr G Gibbens

Synopsis: The report to Cabinet provided a summary of the consultation, shared the final reports and sought sign-off of the recommendations in order for the Cabinet Member for Adult Social Services to make his decisions. All of the 11 individual Cabinet Member decisions were called in for scrutiny by the Cabinet Scrutiny Committee.

Reason for call-in: Members wanted more information on consultations, the movement away from direct provision of services, comparative costs of public and private sector service provision and other issues.

Recommendations and responses:

1. Thank Mr Gibbens, Mr Mills, Ms Howard and Mr Weiss for attending the meeting and answering Members' questions.

Noted

2. Welcome the assurances given by the Managing Director, Kent Adult Social Services, about the appointment of an independent arbiter, who would be able to hear grievances from affected residents who felt their services were not equivalent or better in the future.

Noted

3. Ask the Managing Director, Kent Adult Social Services, to provide an example of a typical care contract to the Committee, in relation to concerns about future costs of any care contract in respect of Extra Care Housing.

Attached

4. Ask the Managing Director, Kent Adult Social Services, that additional information be provided about ongoing protection of terms and conditions for any staff transferred under Transfer of Undertakings (Protection of Employment) Regulations to new providers, and how long staff would enjoy this protection.

Attached

5. Welcome the assurances given by the Managing Director, Kent

Adult Social Services, that further information would be provided to the Committee about the frequency of future inspections by the Care Quality Commission (CQC) of new facilities, recognising the fact that CQC does not regulate Extra Care Housing.

The Care Quality Commission (CQC) will undertake an inspection programme dependent on risks or concerns highlighted and this is monitored by an annual questionnaire and feedback from service users or their families and statutory organisations.

CQC focus on compliance with the Standards rather than making judgments on quality.

Within an Extra Care Housing setting, there will be care provision and the organisation providing the care will be regulated by CQC as a domiciliary care provider.

6. Welcome the continuing assurances given by the Managing Director, Kent Adult Social Services, that staff affected by the Older Person's Modernisation programme would be supported through the changes in the usual way by KCC.

Each unit has an allocated officer from Personnel. They will receive 1:1's, training, pensions advice, application support etc. Staff meetings took place from 27 January – 31 January 2011 to confirm these arrangements.

7. Welcome the commitment from the Managing Director, Kent Adult Social Services, that the Freedom of Information request from Ms Baldwin be responded to as quickly as possible.

Attached

8. Request that the Managing Director, Kent Adult Social Services, provide a report on the details of new legislation relating to pension provision in the private sector, and how this will affect the comparative cost of private sector care provision.

Attached

9. Request that the Director of Governance and Law be asked to give his professional opinion as to whether a possible lack of advice and information for the public about the fact that choices in the consultation were restricted, due to the conditions of the Private Finance Initiative bid to Government, had invalidated the consultation process.

Director of Governance and Law to feedback separately

10. Welcome the assurance from the Cabinet Member, Adult Social Services, that he will be as flexible as possible about the timeframe for closure of Sampson Court, if there is a reasonable bid from a

social enterprise to take over its operation.

The closure plans will progress as stated in the report and be achieved by December 2011. If there is a viable proposal for the site to be developed as a Social Enterprise this would take effect following the closure. Organisations who have expressed an interest in the development/ use of the site after it is closed will be asked to submit a full Business Cases for consideration.

11. Express regret that some local Members were not involved more fully in the process of considering the options relating to each site, and ask that the Group Managing Director urgently raise with the Corporate Management Team the issue of full, timely and ongoing involvement of local Members in the development stage of any decisions affecting their division. The Committee would like to draw Members' attention to:

A) Paragraph 22 of Appendix 2 Part 4 of the Constitution:

Involvement of Local Members

22. (1) In exercising these delegations or in preparing a report for consideration by the Cabinet or a Cabinet Member, officers shall consult the relevant Local Member(s) on any matter that appears to specifically affect their division.

(2) Any objection by a Local Member to a proposed course of action shall be the subject of consultation with the relevant Cabinet Member.

(3) All reports to the Cabinet or a Cabinet Member shall include the views of Local Members.

B) Recommendation R6 from the Informal Member Group on Member Information's report of December 2008:

R6. A Local Member Notification Protocol be developed, and electronic alerts introduced to systems, indicating when members need to be consulted and informed and by whom, with current contact details.

C) Communications from the Director of Governance and Law to Senior Managers, for example from November 2007, reminding officers of the need to keep Local Members informed and involved in matters affecting their divisions, as enshrined in the Constitution.

**D) Paragraph 4 of the Procedure for writing and preparing reports to Cabinet, Cabinet members, committees and the council
(<http://knet2/policies-and-procedures/reports-to-cabinet-cabinet-members-committees-and-the-council/reports-to-cabinet-cabinet->**

members-committees-and-the-council):

4. For a proposal which relates to a particular area of the County, it is particularly important that you consult all the local Members concerned

- › **Cross Party Scrutiny Leads were invited to a confidential briefing on 10 June 2010**
- › **All members and local councillors received a communication on 14 June 2010 advising them of the consultation.**
- › **All members and local councillors were all invited to initial meetings in their District in June.**
- › **Monthly briefings were issued regarding the process throughout the consultation to all 84 Councillors both in hard copy and emailed.**
- › **Specific meetings were requested by Members and officers attended.**
- › **An additional Member Briefing was held on 26 July giving those who could not attend the initial meetings another chance to see the presentation and discuss the proposals.**
- › **The Community Engagement Managers were contacted informing of the consultation and an offer was made to attend any meetings on request.**
- › **Borough Councils requested meetings in addition to those planned and officers attended**
- › **The relevant Members of Parliament were all informed. Additional information and face to face meetings were provided where requested including a session for East Kent in October.**

12. Welcome the assurance from the Managing Director, Kent Adult Social Services, that a list of what the Council expects to be included in any formal agreement about levels of service provided under alternative arrangements for residents be provided to the Committee.

The levels of alternative services required through a partnership arrangement will be developed as part of the commissioning process throughout 2011. Services will be provided to the existing residents of Kiln Court, Blackburn Lodge and Doubleday Lodge.