

ADULT SOCIAL CARE AND PUBLIC HEALTH POLICY OVERVIEW AND SCRUTINY COMMITTEE

MINUTES of a meeting of the Adult Social Care and Public Health Policy Overview and Scrutiny Committee held in the Council Chamber, Sessions House, County Hall, Maidstone on Tuesday, 20 September 2011.

PRESENT: Mr C J Capon (Chairman), Mrs V J Dagger (Vice-Chairman), Mr R E Brookbank, Mr L Christie, Mrs P T Cole, Mr N J Collor, Mr J M Cubitt, Mr C Hibberd, Mr M J Jarvis, Mr S J G Koowaree, Mr J E Scholes and Mr A T Willicombe (Substitute for Mr C P Smith)

ALSO PRESENT: Mr N J D Chard, Mr G K Gibbens, Mr D A Hirst, Mr P J Homewood, Mr P W A Lake, Mr R J Lees, Mr R F Manning and Mr L B Ridings, MBE

IN ATTENDANCE: Mrs M Howard (Assistant Director of Adult Social Services), Mr A Scott-Clark (Deputy Director of Public Health, NHS E & C Kent), Ms P Southern (Interim Director of Learning Disability and Mental Health), Mrs A Tidmarsh (Director of Older People and Physical Disability) and Miss T Grayell (Democratic Services Officer)

UNRESTRICTED ITEMS

36. Minutes

(Item A4)

RESOLVED that the Minutes of the meeting held on 7 July 2011 are correctly recorded and they be signed by the Chairman.

37. Declaration of Members' Interest in items on today's agenda

Mr A T Willicombe made a general declaration of interest as a Trustee of Canterbury Carers.

38. Meeting dates for 2012

(Item A5)

Members noted that the following dates have been reserved for the POSC's meetings in 2012:

Tuesday 10 January

Friday 30 March

Friday 6 July

Friday 14 September

Friday 9 November

All meetings will take place at County Hall and will commence at 10.00 am. They may run into the afternoon if the weight of business dictates.

39. Chairman's Announcements

(Item A6)

The Chairman welcomed Penny Southern to the meeting in her new role as Interim Director of Learning Disability and Mental Health.

40. Retirement of Mrs Margaret Howard

(Item A7)

1. The Chairman paid tribute to the work Mrs Howard had undertaken in her current and previous roles in the County Council, and her wealth of experience from previous social care posts in the UK and abroad. He thanked her for her loyal service and offered his very best wishes for her retirement.

2. Mr Christie remarked upon Mrs Howard's impressive career in social care and remarked that the dedication of public servants was often not appreciated by the public. He added his thanks and best wishes.

3. Mr Koowaree added that working with Mrs Howard had been a great pleasure and her very approachable style had been a great help to Members.

4. Mr Gibbens thanked Mrs Howard for her advice and support when he first took on the Cabinet portfolio of Adult Social Care and was learning about the subject. He thanked her for her massive contribution over many years.

5. Mrs Howard thanked Members for their comments and support and said she had found it a pleasure and a privilege to work in Kent, and to work with Members to make a real difference to social care provision for the people of Kent.

41. Oral Updates by Cabinet Member, Director of Public Health and Assistant Director of Adult Social Care

(Item A8)

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

- *Homes Closure Update* - Manorbrooke and Ladesfield closure, seeking partners for Bowles Lodge and Sampson Court, all going smoothly. Members were invited to speak to him directly about any concerns.
- *Attended Hadlow College Presentation Day* - Qualification certificates awarded to young adults with learning disabilities
- *Attended Local Government Association Summit for Adult Social Care Lead Members*
- *Ambition Board 2 Update*
- *Health and Wellbeing Board Update* - first Shadow HWB taking place on 28 September.
- *World Mental Health Day on 10 October 2011*- Members were asked to support events going on to mark this day.
- *FSC Local Member Briefings now set up* - first one taking place in October for Ashford and Shepway Members

2. Mrs Howard gave an oral update on the following:-

- *Director appointments* – Penny Southern (Interim Director of Learning Disability and Mental Health), Mark Lobban (Director of Strategic Commissioning), both now in post, and Andrew Ireland (new Director of Families and Social Care) to start in November.
- *NHS Learning Disability transfer*- this had been completed in March 2011, with responsibility for service delivery for a total of 441 people transferring from the NHS to the County Council.
- *Good Day Programme* – two new services had now opened in Ashford and Canterbury which will facilitate the closure of the old centres. An update on the Thanet Good Day consultation will be made to the POSC's November meeting.
- *National Social Care policy update*

3. Members commented on the extent of change in senior staff over the last year, and the level of expertise which had been lost to the Council with senior staff leaving. Mr Gibbens said he was very pleased with the staff which had covered and taken over new roles during the transition period, and had every confidence in the strong new team now in place.

4. Mr Scott-Clark gave an oral update on the following:-

- *Management of Public Health budgets this year*
- *Cluster PCT Public Health return to Department of Health ahead of local authority allocations* – this will cover all public health expenditure (to KCC, to Public Health England, etc). Local authorities' shadow public health budgets will be published in December.
- *Progress with public health transition* – the Memorandum of Understanding had been approved by Cabinet. Guidance on the new working arrangements will be published in late September or early October.
- *Progress with smoking quitters* – the NHS target is the largest of the health inequalities issues. Both PCTs met their targets last year.

5. RESOLVED that the information given be noted, and a report on the Thanet Good Day Programme consultation be made to the POSC's November meeting.

42. Charging Policy for Home Care and other Non-Residential Services (Domiciliary Charging Policy)

(Item C1)

All Members had been invited to attend for this item, and Mr N J D Chard, Mr D A Hirst, Mr P J Homewood, Mr R J Lees, Mr R F Manning and Mr L B Ridings were present.

Mr M Thomas-Sam, Head of Policy and Service Standards, was in attendance for this and item D1.

1. Mr Thomas-Sam presented a series of slides which set out the reasons for the proposed changes, the consultation process and the responses to it. He emphasised that the proposed changes were in line with Fairer Charging and the practices of

neighbouring local authorities. KCC has a legal obligation to consult service users on any proposed changes to charges.

2. Mr Gibbens reminded Members that no decision had yet been taken on the proposed changes. The proposals had been considered by the Cabinet on 19 September, and he reminded Members of the commitment he had made at the POSC's July meeting to listen to comments made by the Cabinet and the POSC (at its April and July meetings), and to consider both when making the decision. He set out the reasons for the consultation:- to help people to live independently for as long as possible, to make the best use of scarce resources, and to treat people as fairly as possible. He added that officers would also make sure benefits were maximised for all affected people. He emphasised that Kent was amongst only 22 local authorities in the UK which had retained 'Moderate' eligibility criteria, and although Kent had always sought to protect and keep to this level, this inevitably had a cost.

3. Mr Thomas-Sam and Mrs Howard responded to comments and questions from Members, and the following points were highlighted:-

- a) all service recipients, existing and new, will have an updated individual financial assessment which will aim to maximise their take-up of benefits for which they are eligible and assess their ability to pay any increased charges. If someone believes that their assessment is incorrect they can challenge it and ask for it to be re-calculated;
- b) for new clients who have not been financially assessed before, this assessment will be undertaken face to face, while for existing clients it will be undertaken using financial information already on record. Clients will be notified that a review has been done using financial data held on record when they are informed of the new charges;
- c) a report on the affect of the changes will be made to the POSC so that Members can monitor the impact. It was suggested that this be made after one year, in autumn 2012;
- d) although fewer clients than previously access services, those who do tend to receive higher-value care packages; and
- e) the level of a client's income which is protected is set by the Government every year, like benefit levels, and takes account of inflation.

4. In debate, Members expressed the following concerns, to which Mrs Howard, Mr Thomas-Sam and Mr Gibbens responded (*responses are shown in italics*):-

- a) one of the stated aims of the consultation exercise was to help people understand how the proposed changes will affect them, but 20% of those submitting written comments had said either that the proposals were too complex for them to understand or that they felt the consultation process was a waste of time as they believed the decision had already been made. *One of the key points of the consultation had been to explain and help people to understand the proposed changes, and officers and social workers were available to help explain them.*

The negative responses to the consultation were expected and understood, as it had been expected that people would not welcome any change which could lead to increased costs for them;

- b) the way in which consultation results are presented in the appendix attached to the report to the POSC appears unbalanced. *Officers had taken great care to ensure the clarity of the information presented;*
- c) the 'case study' examples of the likely impact of the proposals all show an increase in care recipients' costs of 30 to 40%. This would add to other increasing domestic costs (eg fuel and food) for the most vulnerable in society. When the charges for Domiciliary Care were increased in 2007, a cap was applied so that no-one would be asked to bear more than a 10% increase in any one year. *The examples given are transparent and do not hide that fact that some people will need to pay more. People's ability to pay will be assessed using prescribed guidelines, and anyone can request an individual assessment. KCC has the power to use its discretion and can take account of individuals' circumstances. For this reason, a cap is not being recommended;*

Mr Gibbens stated his commitment to ensuring that the most vulnerable in society will be protected from being burdened with increases which cause genuine hardship. Mrs Howard added that care management reviews and KCC's links with partner organisations who visit clients' homes will be used to check that people understand and are managing with the increased charges; and

- d) Members sought and received from Mr Gibbens an assurance that he would do all he could to ensure that all service users understand how changes will affect them before implementing the changes.

5. Mr L Christie proposed and Mr S J G Koowaree seconded that the recommendation on page 26 of the papers be amended to read "In view of the potential impact on the elderly and most vulnerable residents of Kent, this Scrutiny Committee recommends that the Cabinet Member for Adult Social Care and Public Health does not implement the suggested increases in non-residential charges. The Committee urges the Cabinet Member to seek to persuade the Cabinet that the relevant amount of money be found elsewhere and to look particularly at the £5 million Big Society Fund, none of which has yet been allocated".

Lost by 9 votes to 2

A record of the way all Members present had cast their votes was requested:-

Those voting against were Mr R E Brookbank, Mrs P T Cole, Mr N J Collor, Mr J M Cubitt, Mrs V J Dagger, Mr C Hibberd, Mr M J Jarvis, Mr J E Scholes and Mr A T Willicombe.

Those voting for were Mr L Christie and Mr S J G Koowaree

6. Mr L Christie then proposed and Mr S J G Koowaree seconded that the recommendation on page 26 of the papers be amended to read "In view of the potential impact on the elderly and most vulnerable residents of Kent, this Scrutiny

Committee recommends to the Cabinet Member for Adult Social Care and Public Health that, if he is determined to implement the increased charges, he does so with an annual limit to any increase of 5% or £10 per week, whichever is the smaller amount. Any shortfall of income to be met from elsewhere in the KCC Budget, with particular consideration being given to the £5 million Big Society Fund, none of which has yet been allocated”.

7. In debating the motion, it was pointed out that Big Society funding would provide only a one-off payment when what is needed is an ongoing revenue source. Members would need to have full assurance that assessments would be very thorough and that all account had been taken of individuals’ needs when charging them for services.

The motion in paragraph 6 above was then put to the vote.

Lost by 9 votes to 2

A record of the way all Members present had cast their votes was requested:-

Those voting against were Mr R E Brookbank, Mrs P T Cole, Mr N J Collor, Mr J M Cubitt, Mrs V J Dagger, Mr C Hibberd, Mr M J Jarvis, Mr J E Scholes and Mr A T Willicombe.

Those voting for were Mr L Christie and Mr S J G Koowaree.

8. RESOLVED that:-

- a) the information set out in the report and presentation and given in response to Members’ comments and questions be noted, with thanks;
- b) Members’ comments on the proposed changes to the policy, set out above, be taken into consideration by the Cabinet Member when taking the decision; and
- c) a report be made to the POSC in autumn 2012 so Members can see the impact of the proposed changes, if ultimately made.

43. Kent County Council and Kent and Medway Partnership Trust (KMPT) Partnership for Delivery of Social Care to Adults of Working Age with Mental Health Needs
(Item C2)

Mr R Deans, Interim Chief Executive of the Kent and Medway NHS and Social Care Partnership Trust, was in attendance for this item.

1. Mrs Howard and Mr Deans introduced the report and responded to comments and questions from Members. The following points were highlighted:-

- a) a copy of the new structure of and governance arrangements for the Partnership will be sent to all Members when available;
- b) the POSC will have the opportunity of further briefings on the Partnership and will be able to monitor its performance; and

- c) after assessment, any care package put in place will be reviewed within 4 – 6 weeks, and if it is found not to be the most suitable for the client it will be changed. A client's family or carer also has the scope to request a review of the care package if they feel it is not suitable.

2. RESOLVED that:-

- a) the information set out in the report and given in response to Members' comments and questions be noted, with thanks;
- b) a copy of the new structure of and governance arrangements for the Partnership be sent to all Members when available; and
- c) a further report be made to the POSC in spring 2012.

44. Kent Annual Public Health Report

(Item D1)

The Chairman sought and received the Committee's agreement to consider item D1 as urgent business, as the papers had not been placed on public deposit with the required five clear days' notice.

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

45. The Commission on Funding of Care and Support Report

(Item D2)

Ms C Grosskopf, Policy Officer, was in attendance for this item, with Mr Thomas-Sam.

1. Mr Thomas-Sam and Ms Grosskopf presented a series of slides which set out the remit, recommendations and potential implications of the Dilnot Commission's report. They responded to comments and questions from Members and the following points were highlighted:-

- a) in the new consultation, launched on 15 September, the KCC has the opportunity to contribute its views on what the priorities for reform should be and what is a realistic way forward;
- b) some 37 – 45% of the current care market is used by people who arrange their own care, and this figure is a useful indication of the number of extra clients KCC might be required to assess for care packages in the future;
- c) those who move back to the UK from retirement abroad are deemed to be 'ordinarily resident' in, and thus the responsibility of, the local authority in which they first re-enter the UK. Kent is likely to be this authority for many people, and KCC could express its concerns about the impact of this as part of this consultation;

- d) although carers' assessments are now a statutory requirement, the provision of services to carers is still discretionary; and
- e) Kent's response to the consultation will be shared with the POSC and the Cabinet Member before being submitted.

2. RESOLVED that:-

- a) the information set out in the report and presentation and given in response to Members' comments and questions be noted, with thanks; and
- b) Kent's response to the consultation be shared with the POSC and the Cabinet Member before being submitted.

46. Autistic Spectrum Disorder - 'Two Years On' report
(Item E1)

Mr S J G Koowaree declared an interest in this item as his Grandson has Autistic Spectrum Disorder.

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

47. Adult Services Budget Forecast Report 2011/12
(Item E2)

Miss M Goldsmith, Finance Business Partner, was in attendance for this item.

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

48. Families and Social Care - Adult Social Services Public Involvement and Consultations Report
(Item E3)

Mr N Sherlock, Head of Adult Safeguarding, was in attendance for this item.

1. Mr Sherlock introduced the report and responded to comments and questions from Members. The following points were highlighted:-

- a) it is important to make clear to the public what is meant by the word 'consultation', as some people perceive it as an exercise to seek opinions when the outcome has already been decided. This view had been expressed amongst the public responses to the consultation on non-residential charging, covered earlier in this meeting. Mr Sherlock pointed out that, even if there is little choice about the action which can be taken, it is important to be upfront about changes and limitations and seek the public's views on how changes should be made; and
- b) as part of the Communication and Community Engagement team, there are Consultation officers who will provide advice and guidance on proposed consultations across the whole KCC. This will ensure that a consistent and robust approach is used, although Adult Social Care will

always lead on consultations which concern its service delivery or policy issues. In this way, the consultation can make use of the approach which best suits the client group concerned.

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

49. Annual Complaints and Compliments Report

(Item E4)

The Chairman sought and received the Committee's agreement to consider item E4 as urgent business, as the papers had not been placed on public deposit with the required five clear days' notice.

Mr M Dorman, Operational Support Unit Manager, was in attendance for this item.

1. Mr Dorman introduced the report and responded to comment and questions from Members. The following points were highlighted:-

- a) complaints received had increased in both number and complexity, but the themes to which they relate had remained consistent;
- b) Adult Social Care continue to use complaints as a useful indicator of shortcomings and will always use them as a learning tool to improve aspects of service delivery, staff training, etc;
- c) the number of compliments received had also increased, by almost 20%; and
- d) although the number of compliments received was listed in the report, these were not broken down and analysed in the same way as complaints. Members requested that future reports include more detail and analysis of compliments.

2. RESOLVED that:-

- a) the information set out in the report and given in response to Members' comments and questions be noted, with thanks; and
- b) future reports include more detail and analysis of compliments received.

50. Update on Select Committee Work

(Item G1)

1. Miss Grayell notified Members that the meeting of the Scrutiny Board listed in the report for 28 September had since been postponed, and the proposal for a Select Committee on Domestic Abuse would now be considered by the Board on 2 November.

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