

## KENT COUNTY COUNCIL

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### **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, 10 January 2012.

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

ALSO PRESENT: Mr N J D Chard, Mr A D Crowther, Mr G K Gibbens, Mrs E Green, Mr M J Harrison, Mr P M Hill, OBE, Mr P W A Lake, Mr R J Lees, Mr R A Marsh, Mr K H Pugh and Mr M V Snelling

IN ATTENDANCE: Mr A Ireland (Corporate Director, Families and Social Care), Ms M Peachey (Kent Director Of Public Health), Mr M Lobban (Director of Strategic Commissioning), Mr A Scott-Clark (Deputy Director of Public Health, NHS E & C Kent) and Miss T A Grayell (Democratic Services Officer)

#### **UNRESTRICTED ITEMS**

##### **65. Election of Chairman for the Meeting**

The Democratic Services Officer announced that, as neither the Chairman nor the Vice-Chairman was able to be present, the Committee should elect a Chairman for the meeting. Mr N J Collor then proposed and Mr R E Brookbank seconded that Mr C P Smith be elected Chairman for the meeting.

*There being no other nominations, it was agreed that Mr C P Smith chair the meeting.*

##### **66. Membership**

*(Item A2)*

The Democratic Services Officer reported that Mr J E Scholes had resigned from the Committee, leaving a vacancy, but Mr Cubitt had decided to remain on the Committee for its final two meetings.

##### **67. Declarations of Members' Interest relating to items on today's agenda**

*(Item A4)*

Mr R E Brookbank made a general declaration of interest as Chairman of the Trustees of Darent Valley Age Concern.

Mrs A D Allen made a general declaration of interest as a Trustee of North West Kent Age Concern.

## **68. Minutes of the meeting held on 10 November 2011**

*(Item A5)*

RESOLVED that the Minutes of the meeting held on 10 November 2011 are correctly recorded and they be signed by the Chairman. There were no matters arising.

## **69. Chairman's Announcements**

*(Item A6)*

The Chairman led the Committee in wishing Mr Capon and Mrs Dagger a speedy recovery from, respectively, surgery and a fall.

## **70. Oral Updates by Cabinet Member, Director of Families and Social Care and Director of Public Health**

*(Item A7)*

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

- Visited Live it Well Centres at Maidstone and Ashford
- Dartford and Gravesham Members Visit to Older People's Services took place
- Attended Action on Smoking and Health (ASH) AGM and Seminar on 8 December in London
- HOUSE on the Move Celebration/Showcase took place on 12 December
- Hosting Lunch at Public Health England Event on 10 February
- Annual Meeting with Age Concern Chairs taking place on 22 February
- Attending National Public Health Conference on 28 February
- Andrew Wickham organising Kent Older People Chairs meeting on 2 March

In response to questions, Mr Gibbens undertook to advise Members outside the meeting about the following:-

- access to places in the new Abbeyfield residential home in Dartford and Gravesham, including the reason for any delays experienced;
- details of his annual meeting with Age Concern Chairs, to which he extended an invitation to Members of the POSC. This will take place on 22 February at 10.00 am in the Pendragon Room Invicta House, County Hall

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

- Adult Services Transformation
- Budget Setting and MTP – the scale of the financing issues around the transformation programme made this a major piece of work, which is ongoing.
- NHS Integration
- Transition - both Adults' and Children's Services are/will be the subject of White Papers, and work in this area will look at how best to manage change.
- KMPT (Kent and Medway NHS and Social Care Partnership Trust) Appointment – when the new Chief Executive of the Trust is settled in post, roles and arrangements can be clarified and reported to the POSC.

3. Ms Peachey gave an oral summary of the Council's significant new Public

Health responsibilities that were published in six briefing papers by the Department of Health on 20 December 2011, as follows:-

- there are three major changes coming as a result of Public Health reforms – a new leadership role for local authorities, an integrated approach under Public Health England and work with the NHS to promote clinical excellence.
- There are two main priorities – focussing on health outcomes and to secure ring-fenced resources to back up Public Health work.
- The six factsheets published on 20 December outlined the new duties and leadership role of local authorities in health improvement and protection, some of which (eg sexual health) will be mandatory, the changing role of the Director of Public Health, which will become a statutory Chief Officer post, and a mechanism to support professional appraisal and build capacity. Details of the budgets and human resources frameworks which will support these changes are still awaited

The oral updates were noted, with thanks.

**71. DVD trailer of a film 'Amorous Feelings of Beach' made by members of East Kent Mencap**  
*(Item B1)*

*Jason Gerlack, Chief Executive Officer of East Kent Mencap, was present for this item with his colleague Paul Wrynne and Melanie Barber, Lee Harrison and Paul Wood from the cast of the film, at the invitation of the Committee..*

1. The Committee was shown a 10-minute trailer for a longer film which was made by, and featuring members of, East Kent Mencap. Mr Gerlack explained that the key aims of Mencap were to challenge attitudes towards and achieve equality for people with learning disabilities and to address the financial hardships which they often face.

2. Members congratulated the cast on the film and thanked them for attending. In discussion, the following points were made:-

- a) attitudes towards people with learning disabilities have improved greatly in the last 30 years, since the days of an institutional approach;
- b) the film could be shown in schools, to educate and influence young people's attitudes to learning disability; and
- c) the innovative work undertaken across the county by people with learning disabilities, such as Shopsafe and 'buddying' schemes, has been very effective in addressing the issues they face, and their direct involvement is much valued.

3. Mr Gerlack was asked to comment on the bid submitted by East Kent Mencap as part of the Thanet Good Day Programme, to run services for people with learning disabilities, about which the Committee had been told at its 10 November meeting. He replied that Mencap has a background of providing a wide range of services in

East Kent and has the ability and — experience to deliver the Good Day Programme. Mencap supports KCC's approach towards modernising services. Mr Gerlack confirmed that no further discussion of detail had taken place since the Committee's November meeting, and Mr Gibbens confirmed that he had not yet taken any decision on the Programme.

4. RESOLVED that those involved in the making of the film be congratulated and thanked for allowing Members the chance to see it, and the points made in discussion be noted.

## **72. Welfare Reform**

*(Item B2)*

*All Members of the County Council had been invited to attend for this item, and Mr N J D Chard, Mr A D Crowther, Mrs E Green, Mr M J Harrison, Mr P M Hill, OBE, Mr R J Lees, Mr R A Marsh, Mr K H Pugh and Mr M V Snelling were present.*

*Ms C Grosskopf, Policy Officer, was in attendance for this item.*

*A copy of the slides used in the presentation was circulated to Members present and copied to all Members of the Council after the meeting.*

1. Ms Grosskopf presented a series of slides which set out the background to, main proposals and potential implications of the Government's Welfare Reform Bill. She highlighted the main changes, as follows:-

- a) the largest and most radical change is the introduction of Universal Credit from October 2013, which brings together various benefits and tax credits into a single monthly payment. This Credit is intended to encourage and make it easier for individuals to get back to work, and the monthly payment is intended to help them get used to building a budget around a monthly payment of wages. However concern has been expressed about the ability of the more vulnerable claimants to cope with this system. Although the Government intends the majority of people to eventually claim Universal Credit online, they are currently looking into ways to deliver a face-to-face service for the more vulnerable customers. KCC (including the Gateway team) and some of Kent's District Councils are involved in ongoing discussions about this;
- b) Council Tax Benefit changes, from April 2013, will pass funds currently held centrally, minus 10%, to local authorities, which will be required to design their own local system of Council Tax benefit;
- c) funding for the Discretionary Social Fund will be devolved to local authorities (the upper tier in county council areas) from April 2013. KCC is currently planning how to provide this service, including whether or not to commission a third party to provide it;
- d) a cap on the level of benefits claimed by any one out of work household will be introduced from April 2013 (planned to be set at £26,000);

- e) Disability Living Allowance (DLA) for people of working age is to be replaced by the Personal Independence Payment (PIP) from April 2013. This will have stricter rules of entitlement. Contrary to earlier indications, the mobility component of DLA and, later, PIP, will not now be withdrawn for people in publicly-funded residential care;
- f) Employment Support Allowance (ESA) restrictions from April 2012:- individuals claiming the national insurance-based ESA will only be entitled to it for one year. However, they will be able to go on claiming the means-tested ESA provided they (and their partner, if applicable) pass the means test;
- g) easier data sharing between the Department of Work and Pensions and local councils from April 2012 (without the need for individual client authorisation);
- h) up-rating of Housing Benefit for private sector tenancies by the Consumer Price Index from April 2013;
- i) restrictions to Housing Benefit in the social housing sector from April 2013, based on size criteria;

2. Ms Grosskopf then went through the potential implications of the reforms, including:-

- a) whether the reforms would reduce worklessness and benefit dependency or increase poverty and hardship. There are mixed views on this and various factors need to be taken into account, which were set out in the presentation slides;
- b) risk to the Gateway model if local authorities are not given a role in the face-to-face delivery of Universal Credit;
- c) risk to housing providers if the housing element of Universal Credit is not paid direct to them;
- d) Council Tax Benefit reform brings risk to local government finances if billing authorities are unable to collect the required level of Council Tax;
- e) localisation of the Social Fund brings reputational risk from local government making the decision to award or refuse benefits or support. On the other hand may be opportunities from increased localism;
- f) benefit caps will particularly affect people in London and this may lead to migration to surrounding counties, including Kent; and
- g) potential savings from enhanced data sharing.

3. Ms Grosskopf and Mr Ireland responded to comments and questions from Members, and the following points were highlighted:-

- a) service users and staff will need to receive training and support to understand and administer the new system. Training in some aspects has already begun. Members expressed a concern about the administrative burden that the new rules will bring;
- b) a concern was expressed that benefits paid direct to claimants may not be used for their intended purpose (eg to cover rent and Council Tax payments) and existing problems of arrears and debt will worsen. There may be some scope for payments to be made direct to landlords but this is limited and the majority of benefit recipients will be expected to learn to budget themselves. Concern was expressed about how this would impact on vulnerable groups and on housing providers;
- c) the unemployed now includes many professional people who have aspirations and expectations about their scope to re-train and find new employment, but it is those who have never or rarely worked who will need the most help and encouragement to find employment and those at whom the reforms are targeted most;
- d) from their experience of working with the National Assistance Board and in the private rental market, Members expressed concerns about how well some of the proposals would work and how well the changes had been thought through;
  - i) claimants whose benefits are paid direct to their landlords will not acquire the skill or habit of budgeting for themselves;
  - ii) changes such as those proposed will be difficult to introduce at a time of mass unemployment. When jobs are plentiful, it is easier to identify work refusers. Ms Grosskopf said that the Government would say that no-one will be forced off Universal Credit if there is no job for them to go to; and
  - iii) concern was expressed that providers of social housing are not geared up to manage rent arrears, and Ms Grosskopf added that this would also affect their ability to borrow from commercial lenders (ie if their income from benefit recipients is not secure);
- e) the point was made that the proposed changes might drive rents down. If this does not happen, people would be forced to move to cheaper rental areas – this will particularly affect London Boroughs and migration to Kent is a possibility;
- f) Members are sure to be approached by local people seeking help to understand the system and possibly to support them in an appeal, so they will need training to help them understand the new rules; and
- g) when starting a new job, people have to wait for up to a month to receive their first salary payment, so there will need to be some

flexibility to cover this waiting period to help people avoid falling into rent or Council Tax arrears. Ms Grosskopf thought that such flexibility may be available to support people back into work.

4. Mr Ireland outlined the risks associated with the changes; to some vulnerable users, for whom it may be difficult to assess their true ability to understand and cope with the changes and who therefore may not get the help and support they need; to KCC staff who might have to cover excessive demands for their involvement and support, and be tasked with taking difficult decisions about local cases; to Members, who might be asked to help and support local people with claims and appeals, and to the Kent economy and service providers as they may be pressured to accommodate tenants priced out of London by changes to rents and benefits.

5. Mr Lake added that, as the Chairman of the Supervisory Committee of Kent Savers, he is involved in assessing the potential risks to housing providers and tenants which will arise from the changes. Kent Savers have launched a pilot scheme across Maidstone, Medway, Swale and Tunbridge Wells, to help both sides to understand the changes and the new rules. Benefit payments for rent can be held by Kent Savers and then paid direct to landlords, for a small fee.

6. RESOLVED that the information set out in the presentation and given in response to comments and questions be noted, with thanks.

### **73. Budget 2012/13 and Medium Term Financial Plan 2012-15** *(Item C1)*

*Miss M Goldsmith, Families and Social Care Finance Business Partner, was in attendance for this item.*

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

- a) Members requested and were given more detail about various lines of the budget and made the point that it is difficult to compare this with past budgets as items are either listed differently or different items have been included (eg grants are now held centrally, rather than within Portfolio budgets);
- b) Members commented that the Informal Member Group which had met through the second half of 2011 to look at the budget and identify potential areas of saving had seemingly wasted its time as the budget now presented is different and they do not feel able to offer constructive comment; and
- c) Members asked how they could have input into and influence over the grants paid by the KCC to voluntary organisations, and be able to compare 2012-13 grants to previous years', and Mr Lobban undertook to provide a list detailing which grants are received by individual voluntary organisations.

2. RESOLVED that:-

- a) the revenue and capital budget proposals for the Adult Social Care and Public Health portfolio be noted, with thanks; and
- b) Members be provided with a list detailing which grants are received by individual voluntary organisations.

#### **74. KCC Health Inequalities Strategy Update**

*(Item D1)*

*Ms D Smith, Policy Manager, was in attendance for this item.*

1. Ms Smith introduced the report and explained that Members were being asked to comment on the draft Health Inequality Action Plan and agree the next steps in its development. The purpose of the Action Plan is to identify areas in which Kent is working well and those in which more work is needed. The Action Plan is aligned to the strategies and plans of the KCC and District Councils, to make use of existing data and resources.

2. In discussion, Members made the following comments on the content of the Action Plan:-

- a) the document is good and contains good aspirations, but these could prove difficult to implement;
- b) it contains some useful aspirations, and could be used as a tool for Locality Boards to follow;
- c) it will need to include the impact of the ongoing recession, and the potential impact on Kent of an 'overspill' of people who have been priced out of London by welfare reform changes;
- d) it needs to take full account of the potential for health education programmes in schools, as part of the PHSE agenda;
- e) the reduction in Supporting People funding of £4m has not come at a good time, as the number of homeless households is predicted to continue to rise dramatically in 2012;
- f) page 8 of the document refers to the role which could be played by Children's Centres but these have now lost funding and will find it harder to take on this role. Local mothers could share their experience to support teenage parents on a voluntary basis;
- g) on page 25, the list of those facing disadvantage should include looked after children (LAC);
- h) on page 26, references to young people not in education, employment or training (NEET) need to be supported by some statistics, eg to compare Kent's position with the rest of the UK;

- i) page 45 makes some mention of alcohol and substance misuse, but these should have a higher profile as they are key to many other health problems.
3. Mr Gibbens offered Members the chance to meet him and officers to discuss the Health Inequality Strategy and Action Plan in more detail.
  4. RESOLVED that the Information set out in report be noted, with thanks, the content of the draft Health Inequality Action Plan be supported, with Members' comments on its content and direction being taken into consideration, and the course of action set out in the report be agreed.

## **75. Public Health Performance**

*(Item D2)*

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

## **76. Joint Strategic Needs Assessment (JSNA)**

*(Item D3)*

1. Mr Scott-Clark and Mr Gibbens introduced the report and the executive summary draft of the Joint Strategic Needs Assessment and explained that further guidance was awaited from the Department of Health (on what the JSNA should cover?) Mr Gibbens offered to establish an Informal Member Group to allow Members to discuss the matter in more detail.
2. RESOLVED that the information set out in the report be noted, with thanks, and Mr Gibbens' offer to set up an Informal Members Group to discuss this in more detail be accepted. *A meeting of the IMG was subsequently arranged for 31 January at 11.30 am in Mr Gibbens' office.*

## **77. Strategic Commissioning and the Transformation of Adult Social Care**

*(Item E1)*

1. Mr Lobban introduced the report and explained that the transformation programme is ambitious, with what is done and how it is done being of equal importance. What is included in it must work and add value. A blueprint for the programme's implementation will be ready for the POSC to see at its 30 March meeting.
2. Mr Lobban and Mr Ireland responded to comments and questions from Members and the following points were highlighted:-
  - a) Members asked what involvement they would have in the formal consultations with staff which would take place from January to March. Mr Lobban reassured Members that, in identifying the resources needed to deliver the transformation programme, he would not necessarily be seeking a reduction in staff numbers but would look to identify the best way to deliver each target. He would always consider whether or not the KCC should deliver something itself or outsource it;

- b) no money had been allocated to Kent this year for Extra Care Sheltered Housing, so Kent should lobby Government to secure funding for this in the future. Mr Lobban undertook to raise this at a meeting with Housing Associations; and
  - c) although some details of the transformation programme are as yet unknown, ASC has developed a carefully-costed programme to make the best use of Kent's commissioning role, using joint working with partners, eg to avoid long-term care admissions and develop enablement services.
3. RESOLVED that the information set out in the report be noted, with thanks, and an update be given at the POSC's 30 March 2012 meeting.

**78. Interim Report of Formal Consultation on a New Service Model for Learning Disability Day Services in the Shepway District**  
*(Item E2)*

*Ms C Beaney, Head of Service, Learning Disability, and Ms P Watson, Commissioning Manager, Learning Disability, were in attendance for this item.*

1. Ms Watson and Ms Beaney introduced the report and responded to comments and questions from Members. The following points were highlighted:-
- a) Members were reassured that a thorough and robust advocacy process was being used, in one-to-one or group sessions with service users;
  - b) each consultation on service modernisation around the county learns from and builds on the lessons learnt from previous consultations in other areas;
  - c) service users want and expect to be able to choose their activities seven days a week, including evenings, and this holistic and personalised approach is much easier to pursue using community-based support services; and
  - d) the main themes which have emerged from the consultation so far include the importance of services users being able to maintain social networks and friendships.
2. RESOLVED that the information set out in the report be noted, with thanks, and an update report be made to the POSC's 30 March 2012 meeting.

**79. Local Account 2012**  
*(Item E3)*

*Mr M Thomas-Sam, Head of Policy and Service Standards, and Ms E Matthews, Senior Planning Officer, were in attendance for this item.*

1. Mr Thomas-Sam and Ms Matthews introduced the report and explained that the Local Account performance management tool had replaced the CQC report. It is less prescriptive than the former and has to be developed and run by local authorities

themselves. In responding to comments and questions from Members, the following points were highlighted:-

- a) although the system had not been due to start until 2012, KCC had run a pilot scheme in 2011 to 'road-test' the new system. Members' views are sought on the content of the draft document;
- b) in developing its Local Account, KCC had consulted service users, carers and community groups;
- c) although HealthWatch will change due to public health reforms, Local Account will continue to link to and get input from it;
- d) although councils would now be able to set their own targets and assess themselves against those targets, a national reporting mechanism would remain, to measure key performance targets such as the number of people receiving a personal budget or direct payments; and
- e) Members expressed concern about the target quoted for the number of complaints and complements to be received in the coming year, and Mr Thomas-Sam undertook to review the usefulness of including this sort of target.

2. RESOLVED that the information set out in the report be noted, with thanks, and Members' comments be taken into account in developing the document.

## **80. Adult Social Care Budget Forecast and Savings Report 2011/12**

*(Item E4)*

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

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

- a) a view was expressed that an underspend could be viewed as good news or bad, and that underspend and savings are not the same thing. To achieve savings by delivering services more efficiently or economically is good, but an underspend could mean that some people had not received services. Without more information than was provided, Members are not in a position to judge. Mr Ireland commented that some impact of enablement services is now being seen, reducing the need for long-term and continuing services; and
- b) Members asked where in the budget the largest variances had appeared, and officers undertook to supply a copy of the ASC part of the budget reported to Cabinet in December, as the figures had not changed since that time.

2. RESOLVED that the information set out in the report be noted, with thanks, and the report on the ASC budget considered by the Cabinet in December be

sent to POSC Members to provide the background information requested during discussion.

**81. September 2011 Update for Performance for Adult Social Care, and Monitoring of the Projects, Developments and Key Decisions identified in the 2011/12 Annual Operating Business Plans for Families and Social Care, Adult Services**

*(Item E5)*

*Mr R Benjamin, Performance Monitoring Manager, and Ms E Matthews, Senior Planning Officer, were in attendance for this item.*

1. Mr Benjamin and Ms Matthews introduced the report and they and Mr Ireland responded to comments and questions from Members. The following points were highlighted:-

- a) national performance indicators still apply, alongside the ones KCC sets itself;
- b) it is hoped that, by the end of the current financial year, the KCC will reach its target for the number of people who have been enabled to stay in their own homes. Some projects do not reach their target within monitoring period (the financial year) as they start part-way through the year;
- c) Members asked to be given examples of cases in which enablement has been successful so they could be satisfied that the cases addressed cover a range of complexities and not just the easiest to address; and
- d) Members were reassured that the SWIFT system had been shown to be fit for purpose, and some minor concerns about data quality can be easily addressed as work progresses.

2. RESOLVED that the information set out in the report be note, with thanks, and Members be supplied with the information on enablement requested.

**82. Update on Select Committee Work**

*(Item G1)*

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