



Leicester
City Council

Minutes of the Meeting of the

ADULT SOCIAL CARE SCRUTINY COMMISSION

Held: THURSDAY, 25 JANUARY 2024 at 5:30 pm

P R E S E N T :

Councillor March (Chair)
Councillor Surti (Vice Chair)

Councillor Cole
Councillor Joannou
Councillor Singh-Patel (for Cllr Orton)

Councillor Kaur-Saini
Councillor Singh-Sangha

In Attendance

Deputy City Mayor, Councillor Russell – Social Care, Health and Community Safety

Kash Bhayani – Healthwatch

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1. APOLOGIES FOR ABSENCE

Apologies for absence were received by Cllr Dave and Cllr Orton.

2. DECLARATIONS OF INTEREST

The Chair asked members of the commission to declare any interests for which there were none.

3. MINUTES OF THE PREVIOUS MEETING

The Chair highlighted that the minutes from the Joint Meeting of the Adult Social Care and Public Health and Health Integration Scrutiny Commission held on 30 November 2023 were included in the agenda pack and asked Members to confirm whether they were an accurate record.

The Chair further noted the outstanding action to receive a written briefing on the call handling of adult social care enquiries through customer services.

AGREED:

- It was agreed that the minutes for the meeting on 30 November 2023 were a correct record.

4. PETITIONS

The Monitoring Officer noted that none had been received.

5. QUESTIONS, REPRESENTATIONS AND STATEMENTS OF CASE

The Monitoring Officer noted that none had been received.

6. DRAFT GENERAL FUND BUDGET AND CAPITAL PROGRAMME 2024/25

The Deputy City Mayor for Social Care, Health and Community Safety introduced the item highlighting the significant concerns locally and for other local authorities with responsibility for adult social care across the country in terms of growing needs and challenges to budgets. It was noted health and social care services continue to work together to fulfil the legal duty to meet the needs of residents but there are increasing pressures with a substantial proportion of the budget required to support a small percentage of people in the city.

The Director for Adult Social Care and Safeguarding and Director for Adult Social Care and Commissioning provided a presentation to set the context in which it was noted that:

- Individuals seeking adult social care support and complexity of need has increased nationally. There has also been an increase in number of older people requiring long term care.
- Most local authorities are predicting adult social care will overspend. Social Care reforms were paused and there are no funding solutions proposed to address financial challenges in the sector.
- Benchmarking data illustrates Leicester are supporting a higher proportion of older people resulting in a higher spend for adult social care. Unit costs to pay for services such as home care and supported living compare well to the national average.
- Growth has reduced with alternative support arrangement and less reliance on statutory support – although this is still above proposed budgeted growth. Prevention is important to reducing statutory spend and social care continue to work with the joint integrated board.
- Four key work programmes have been identified to manage demand and associated costs including, reducing the average costs of supplied care packages; reducing the number of new entrants and overall service demand; raising effective productivity levels and improving partnership and stakeholder processes and joint service delivery.

The Head of Finance presented the report, and it was noted that:

- The budget has been managed with reserves in recent years which are expected to run out in 2024/25. Further savings are required, otherwise a Section 114 notice would be likely in 2025/26 as the budget would not balance.

- £14m budget growth is required for adult social care to support the growth in demand and needs with care packages as well as ensuring payment of the national living wage.
- Any additional adult social care funding has been on an ad hoc basis rather than from a systematic reform of the overall funding. Government have indicated increased public sector funding overall from 2025/26 but the institute for fiscal studies have indicated increases for the NHS and defence means that there is likely to be a reduction in real terms funding for all other areas of expenditure including local government.
- Other budget pressures include £17m growth in children's social care driven by increasing children in care, complexity of need and unaccompanied asylum-seeking children; home to school transport for SEND pupils is also a cost pressure with the number of requests for education, health and care plans doubling since prior to the pandemic; and additional pressures within homeless services requiring spend on temporary accommodation due to lack of affordable rental accommodation.

In response to questions and comments from Members, it was noted that:

- Spend is higher on supporting older people per head of population compared with other local authorities and can be attributed to various reasons. The health and wellbeing survey indicated people are more likely to seek statutory support if they do not have a community network they trust. The health profile of the city requires more people to be supported earlier and for longer due to diabetes and cardiovascular and respiratory conditions etc. As an area of high deprivation, we have less self-funders who pay for their own care, and therefore we see more people seeking support from the Council for their care.
- Prevention is important to manage demand and the budget whilst also recognising the profile of the city with different communities to take a holistic approach to build capacity and resilience. The Authority is looking more widely at how communities can help support residents, for example utilising community connectors and health champions to share information to signpost to services earlier.
- The sector is doing what it can within the constraints of its finances but in reality, the workforce is paid minimum wage and does not have a career structure as seen in health to create opportunities. An open conversation is needed at national level to identify what social care should look like and how it can be adequately and sustainably funded.
- The Government's People at the Heart of Care 10-year plan encouraged innovation and launched the Accelerating Reform Fund to provide local authorities with additional resource. However, this is a limited fund, with final allocations yet to be confirmed, but at best will, equate to £815k over two years across Leicester, Leicestershire & Rutland.
- Plans are in place for the division to review all spending within the budget including programmes to identify good practice and

inefficiencies although this is unlikely to be the long-term solution required to address financial challenges. It was agreed that further information can be shared with the Commission in line with budget monitoring.

- An additional £16m (including standard inflation) will be paid to the private care sector for care packages to meet the growth in demand and complexity of need as well ensuring providers pay the national living wage.
- The proposed draft budget includes decisions already taken to make savings, including £300k relating to Hastings Road Day Centre, £300k relating to the enablement service and £213k relating to the employment service.
- The existing capital programme includes the provision for supported living scheme and the Commission requested they be kept informed.
- Reviewing care packages can result in alterations which could impact the budget as individuals receiving care may require additional support, the support may be appropriate, or needs may have improved to not require as much support. Timelier reviews could enable changes to be identified earlier to provide support that does not require use of statutory services, but the team continue to work through the current backlog of reviews given ongoing pressures.
- The proposed council tax adult social care precept will generate around £3m income for 2024/25. Government announced an additional £500m for local authorities which will equate to around £3m locally for 2024/25.

The Chair noted the Commission's thanks to the continued work of the division to provide services to the most vulnerable in the city despite the increasing financial pressures.

AGREED:

- The Commission noted the report.
- Additional information to be circulated to Members regarding home-to-school transport pressures.
- Further reports to be shared with the Commission regarding budget monitoring.

7. CHARGING POLICY

The Deputy City Mayor for Social Care, Health and Community Safety introduced the item and highlighted that the proposal is being considered as part of reviewing all spend and income due to the local authority's difficult financial situation to protect the broader adult social care service and Council generally. It was noted that there is no accurate identified potential income/savings if the proposal were to proceed as everyone would need to be reassessed and discretion applied.

The Deputy City Mayor expressed thanks to the Director for Adult Social Care and Safeguarding and her team for their approach in consulting with individuals as part of the process.

The Director for Adult Social Care & Safeguarding presented the report, and it was noted that:

- Members were informed in October 2023 of the consultation on the proposed changes to the charging policy. The consultation concluded on 31 December 2023 and analysis of meetings, surveys and representations is underway.
- The Care Act 2014 altered financial charging and made it permissible for local authorities to take into account the full value of disability benefits – this has not been implemented locally despite a previous consultation. The current consultation proposes to implement changes to charges.
- The consultation also included the proposal to introduce an admin charge where the local authority acts as an appointee for an individual and they have savings above £1,000. The proposed fee has been benchmarked against fees charged by other local authorities and is intended to cover back-office costs.
- The report contains simplified examples of how the proposed changes may operate but recognised that it is a complex task, and everyone's situation will be different and require assessment.

The Commission were assured that a further report will be provided once the consultation responses have been analysed alongside an equalities impact assessment.

In response to questions and comments from Members, it was noted that:

- The additional £16m to fund care packages through the private sector is associated to external pressures such as increased growth in demand and complex needs, inflation and ensuring payment of the national living wage which is not directly comparable with managing the budget.
- The proposed fee of between £14-£16 for acting as an appointee equates to the internal admin costs to process and benchmarking against other authorities. It is unknown whether other local authorities will introduce or increase their fees.
- The potential income/savings if the proposal were to proceed is uncertain as consideration of individual cases and discretion would be applied rather than a blanket charge – this would comply with the Norfolk Judgment.
- The Authority has only been able to estimate individuals in receipt of the higher rate based on DWP eligibility model as it does not currently charge to have accurate data. Everyone will also need to be assessed as individual circumstances will differ to how the benefits may be utilised to support care needs.

- The cost to implement the change if the decision was taken to adopt the proposal would be included in the first year's savings as a one-off with ongoing financial assessment when reviewing additional income.

The Chair noted she and Cllr Kaur-Saini were Members when the proposal was previously consulted on and welcomed further consideration by the Commission of the current consultation prior to decision.

AGREED:

- The Commission noted the report.
- The Commission requested officers to consider Members comments.
- The Commission requested the item remain on the work programme.

8. DIRECT PAYMENTS

The Executive Lead Member for Social Care, Health and Community Safety thanked the Commission for requesting consideration of direct payments. It was noted that is an important topic which has been subject to local, regional and national discussions regarding use, challenges and recognition of the important work with Think Local / Act Personal (TLAP).

The Director for Adult Social Care & Safeguarding presented the report, and it was noted that:

- Leicester was an early adopter and had celebrated its 25-year anniversary of using direct payments in which we benchmark well with the percentage of people in receipt.
- The premise of direct payments is to offer flexibility, choice and control for individuals, although a balance is required as challenges can arise with the use of public money.
- The Authority worked with TLAP to co-produce revised guidance to distribute to individuals about direct payments and captured learning from the pandemic where there was an expectation to increase flexibility on direct payments.
- The Direct Payment Support Service is provided to support individuals in receipt of direct payments to manage the funds. Three providers are contracted to offer a range of services from fully enabling an individual to spend their direct payment award to limited employment support or payroll advice.
- The Authority worked with IMPACT at Birmingham University to undertake a year-long study on how black and ethnic minority communities use direct payments - a hyperlink to the research was included within the agenda pack.
- Challenges persist around the financial audit expected of how individuals are spending direct payments. The flexibility, choice and control allow an individual to decide how to use their award and can limit oversight where the individual chooses a non-contracted provider or personal assistant. Advice is provided but concerns can arise to the ability to fully safeguard individuals using direct payments. Caution is

exercised in ensuring direct payments are appropriate for an individual if they may be at risk, but this must be evidenced as choice to use direct payments is a legal right.

- The use of direct payments in the city overall is positive. A working group has been developed to draw on support and address challenges to promote the benefits and protect public monies.

The Commission praised the division for its 25-years of advocating the use of direct payments to give resident choice and control but recognised the concerns and risks.

In response to questions and comments from Members, it was noted that:

- It is recognised that safeguarding concerns are possible with individuals using direct payments, such as the risk of exploitation. Oversight is only possible where an individual chooses a provider contracted with the local authority. The authority is liaising with the CQC about an approved list of agencies to promote to individuals and remove an agency where a safeguarding concern is referred and identified. Individuals can also employ a family member or friend and are not required to inform the Authority of details.
- Individuals are encouraged to utilise the disclosure and barring service and check references if using direct payments to employ a personal assistant. Training is available for individuals and the personal assistants through the direct payments support service.
- Safeguarding advice is promoted and communicated through social media and partnerships to ensure individuals and organisations know what harm and abuse may look like and how to report.
- Direct payments can work well particularly when an individual is confident and can manage with the help from the direct payment support service or family and friends. Some individuals may have complex needs that cannot be supported by contracted providers or have tried and do not like contracted providers in which a direct payment may be more suitable to fulfil the statutory duty and require more support to sustain.
- The direct payment uplift ensures the individual has sufficient funds to cover changes in fees for a provider or personal assistant to reflect inflation and the national living wage.
- £43m was spent in 2022/23 on care packages set up as direct payments.
- The division has two direct payment officers to initiate referrals for individuals that require support to the externally commissioned direct payments support service. This is positively recognised by other local authorities as support for the individual to exercise choice and control is independent of the authority.

The Commission debated the benefits and conflicts of offering direct payment support in-house.

AGREED:

- The Commission noted the report.

9. HASTINGS ROAD UPDATE

The Deputy City Member for Social Care, Health and Community Safety assured the Commission of the additional resource allocated to ensure individuals and their families are appropriately supported in identifying and transitioning to alternative services and expressed her thanks to officers for their continued work following the difficult decision to close the day centre.

The Chair noted the Commission's recognition in the positive progress and sensitive approach in managing the closure of the day centre.

AGREED:

- The Commission noted the report.
- The Commission requested the item remain on the work programme.

10. RESPONSE TO THE ADULT SOCIAL CARE SCRUTINY COMMISSION TASK GROUP – UNDERSTANDING THE INCREASING COST OF CARE PACKAGES WITHIN ADULT SOCIAL CARE BUDGETARY PRESSURES

The Chair noted the report contained within the agenda included responses made to recommendations of a Task Group and asked Members if there were any comments for which there were none.

AGREED:

- The Commission noted the report.

11. WORK PROGRAMME

The Chair noted the final meeting of the municipal year will take place on 7 March 2024 and that the work programme had been busy discussing important topics.

Members were requested to email additional items for consideration to the Chair.

12. ANY OTHER URGENT BUSINESS

The Chair noted the Commission looks forward to welcoming the new Strategic Director for Social Care and Education, Laurence Jones, who is expected to start in role early February.

There being no further business, the meeting closed at 18.51.