



Leicester
City Council

Minutes of the Meeting of the
ADULT SOCIAL CARE SCRUTINY COMMISSION

Held: TUESDAY, 4 DECEMBER 2018 at 5:30 pm

P R E S E N T :

Councillor Cleaver (Chair)
Councillor Joshi (Vice Chair)

Councillor Aldred

Councillor Unsworth

Councillor Osman

In Attendance

Councillor Dempster – Assistant City Mayor, Adult Social Care and Wellbeing.

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47. APOLOGIES FOR ABSENCE

No apologies for absence were received.

48. DECLARATIONS OF INTEREST

Councillor Joshi declared an Other Disclosable Interest in that his wife worked for the Reablement Service in Leicester City Council.

In accordance with the Council's Code of Conduct, this interest was not considered so significant that it was likely to prejudice the Councillor's judgement of the public interest. Councillor Joshi was not therefore required to withdraw from the meeting during consideration and discussion of the agenda items.

Mr Micheal Smith, Healthwatch Leicester and Leicestershire declared that in relation to item 12, Future of the Disabled Persons Support Service, there was a possibility that Healthwatch might submit a bid into the new service. Mr Smith therefore undertook to withdraw from the meeting for the consideration and discussion on the item of business.

49. MINUTES OF THE PREVIOUS MEETING

AGREED:

that the minutes of the previous meeting of the Adult Social Care Scrutiny Commission held on 16 October 2018 be confirmed as a correct record.

50. PETITIONS

The Monitoring Officer reported that no petitions had been received.

51. QUESTIONS, REPRESENTATIONS AND STATEMENTS OF CASE

The Chair stated that a statement of case and questions had been received from Norton Housing and Support. The Chair said that there would be no debate on the questions and she was changing the order of the agenda so that the related report on Reduced Funding for Accommodation Based Housing Support would follow directly after the questions.

A statement of case from Norton Housing and Support regarding the Leicester City Council Independent Living Support (ILS) supported housing consultation, as included in the agenda, was taken as read.

The following questions from Norton Housing and Support had been included in the agenda. Alison Morley from the organisation read out the questions and the Director of Adult Social Care and Commissioning responded to each question in turn. The questions and responses are detailed below:

Q1: If the proposals are a direct result of financial pressures in this area why did the Council Award an inflationary uplift increase of 3.6% from April 2018 on this contract, which we were only made aware of via a letter from LCC on 22nd May 2018

R1: The uplift was awarded to all organisations providing direct care and support in recognition of the National Minimum Wage annual increase.

Q2. How much money will be saved by cutting the ILS contract?

R2. The proposal will, if approved, make a saving in the region of £142,000 per annum.

Q3. Does this saving take into account the TUPE process and resulting redundancy costs

R3 Redundancy costs are the responsibility of an employer towards their employee. Should the TUPE regulations apply, the Council would be responsible for any resulting redundancy costs of transferring employees, but not the staff that remain with a provider. There is no legal requirement to pay redundancy costs for the provider's remaining staff after a TUPE transfer.

Q4. How does this proposal fit in with the Care Act 2014 requirements which

clearly state that prevention is a statutory service?

- R4. The proposal being consulted upon still delivers a preventative offer to the one currently in place and is in line with the statutory guidance.
- Q5. How does this new proposal take into account the fact that money invested in prevention saves money on statutory services? Ergo, money moved from preventative services will actually increase the pressure (social and financial) on statutory services
- R5. The proposal recognises the need for a continued service for these service users. The proposed new model will focus on promoting independence and enabling individuals to achieve more with support.
- Q6. Why does the consultation questionnaire not mention the important and pertinent information that current users of the service have ongoing mental health needs and/or learning disabilities?
- R6. Whilst it is acknowledged that Norton Housing and Support focus on supporting people with a mental health need or a learning disability. The contract is for the provision of Independent Living Supported Housing Service, for vulnerable adults and older people in the city of Leicester, and the consultation is framed accordingly.
- Q7. What will the new service look like in terms of:
- a. Hours of support for each service user per week?
 - b. Skills and experience of staff members
 - c. How will the service meet the ongoing needs of service users or will support be time limited?
 - d. What will be the expected outcome of this service?
 - e. Will the service be provided on an ongoing basis?
- R7. The service will provide:
- a. 296 hours of support per week, provided by 8 Enablement Officers
 - b. The Enablement Officers are experienced in providing support to people with a learning disability and mental health issue. This is the focus of the existing service. If TUPE applies, the contracts of employment of those staff who are currently delivering the service may transfer to LCC and will bring their skills and experience to the new service.
 - c. In order to meet the ongoing support needs of service users a person-centred outcome assessment will be completed and reviewed regularly.
 - d. The aim of the new service is help people to become more independent, connect people to their local communities and find ways they can support each other by promoting greater independence.
 - e. Yes, the service will be provided on an ongoing basis

Q8. How can this be a robust and transparent consultation process when the public do not know the client group it will affect, nor the new service which is being offered.

R8. The consultation which set out the detailed proposal is on the City Council's public consultation webpage, which is freely available / accessible to all residents and/or other stakeholders. We have as part of the exercise undertaken targeted consultation with those affected including service users and/or their carers, staff, providers and landlords.

We have also discussed this at the Mental Health Partnership Board, which includes a range of professionals, including health colleagues and service users.

Q9. How will the new service meet the complex and fluctuating needs of the current service users, alongside any potential new service users?

R9: The new service will provide individualised and person-centered support, which will recognise their complex and fluctuating needs and respond accordingly. New service users will also have a person-centered approach, which will acknowledge any additional support needs they may require at the time they move into a scheme.

Q10: As this is classed as public consultation how has it been brought to the attention of Leicester people?

R10. The consultation is on the City Council's public consultation webpage, which is freely available / accessible to all residents and/or other stakeholders. We have as part of the exercise undertaken targeted consultation with those affected including service users and/or their carers, staff, providers and landlords.

We have also discussed this at the Mental Health Partnership Board.

Q11. What engagement opportunities have been offered for stakeholder's / partner agencies who will be directly impacted by these proposals?

R11. Prior to the start of the formal consultation exercise, meetings were held with the both of the current contracted providers and their landlords.

During the formal consultation process, meetings have been held with all stakeholders directly affected by this proposal i.e. service users and the providers.

It has also been discussed at the Mental Health Partnership Board, including health colleagues and service users and carers.

The decision making a process will also be informed by the development of an Equality Impact Assessment, which is in progress.

Q12. How will the fluctuating and often complex needs of service users be met by this service?

R12: As per Question 9. The new service will provide individualised and person-centered support, which will recognise their complex and fluctuating needs and respond accordingly.

Q13: How will LCC ensure current and new service users sustain their tenancies, especially as the exempt property status may be at risk with this new service? Service users currently receive specialist intensive housing management support to support them? Has this been taken into account?

R13. The proposed model relates specifically to the support that will be provided which is not reliant on the enhanced intensive housing management payment and therefore individual tenancies will not be affected.

The Chair thanked Alison and stated that Norton Housing and Support had submitted an email expressing concerns about inaccuracies in the report relating to reduced funding for Accommodation Based Housing Support service (at appendix E). Alison referred to the report and expressed concerns that they believed it was inaccurate, that it misrepresented the organisation and impacted on its integrity. Members were informed that a response would be sent regarding those concerns, and this response is attached at the back of the minutes.

52. REDUCED FUNDING FOR ACCOMMODATION BASED HOUSING SUPPORT

The Strategic Director for Social Care and Education submitted a report that provided the Commission with an overview of the consultation exercise, currently in progress, to replace the existing externally contracted Accommodation Based Housing Support services with a community living network based on the 'key ring/ independence' initiative model of support, which would be provided by the Council's in-house Enablement service.

Members considered the report and it was noted that the Council's in-house Enablement service would aim to promote greater independence by, for example, supporting people with a learning disability or a mental health issue to undertake domestic tasks, such as shopping and cooking.

In response to a query regarding the equality impact assessment, Members were advised that information would be brought together when the consultation had concluded.

A member questioned whether there had been a good response to the consultation and heard that a targeted consultation had been carried out and officers had met with a service users and providers in a range of meetings.

The response through on-line consultations had not been large but the number of service users was relatively modest at only approximately 82. The overall take up of the consultation was approximately 70%.

A concern was expressed that people with learning difficulties might not understand what was happening, but Members were reassured that this would not be the case.

The Chair sought assurance that the proposals would make things better for the people involved and would not have a detrimental impact on their well-being. The Director responded that they did not want anyone to deteriorate and it was not in the Council's interest for this to happen. The Strategic Director added that if staff in the Enablement team had concerns that an individual needed more support, they would talk to their manager, as a formal assessment to consider the need for statutory support might be required.

Assurance was sought that the service users would not get stressed by the changes and Members heard that as part of the consultation, conversations were being held with individuals to ensure that they understood who would be supporting them in future. There would be a robust transition process.

The Chair commended that the proposed changes would provide an opportunity for Registered Social Landlords to revisit the type of tenancies as some of the individuals were long term tenants who were still on licences with no rights.

A reference was made to a question that was raised by Alison from Norton Housing and Support, relating to the TUPE process and a Member asked about the numbers of staff who would transfer to the Council. The Director responded that they did not yet have details about staff who might transfer, but legal advice would be sought should any legal issues arrive. The Chair drew the discussion to a close and requested a further report. The Director responded that the intention was to bring a report back to the Commission after the consultation had concluded and before any decision was made.

AGREED:

- 1) that a further report be brought back to the Adult Social Care Scrutiny Commission after the consultation period has ended and before any decision is made; and
- 2) that the equality impact assessment be sent to Members when it is completed.

53. ADULT SOCIAL CARE INTEGRATED PERFORMANCE REPORT 2018/19 - QUARTER 1

The Strategic Director for Social Care and Education submitted a report that

brought together information on various dimensions of adult social care (ASC) performance in the first quarter of 2018/19. He advised Members that much of the performance information could change in the 2nd quarter of 2018/19.

The Chair commented that she was very pleased to see that 32 of the measures had shown improvement and noted that 7 measures had deteriorated. The Chair however expressed confidence that the service would be working to make improvements in those 7 areas.

In response to a question about safeguarding issues, the Director of Adult Social Care and Safeguarding said that they were required to carry out an investigation where the threshold had been met under the Care Act, but they also wanted people to talk to them about issues of concern, even if they did not meet the threshold for statutory safeguarding investigation. This 'open door' policy meant that the ratio of 'alerts' was always higher than completed investigations. Also, investigations may not be completed within the same reporting period as the initial alert so the numbers would not match up during a given period. The Strategic Director explained that they maintained that 'open door' policy to anyone who had a concern and said that it was the responsibility of the service to determine whether there was a safeguarding issue to investigate. There was an expectation that the statutory partners would understand the thresholds for referral.

A Member asked that to enable better understanding of safeguarding issues, information should be displayed in community centres, on the Council's website and circulated to ward councillors. The information would explain that the Council had an 'open door' policy and that people could report any concerns they had. Mr Micheal Smith, Healthwatch Leicester and Leicestershire commented that the authority took their responsibilities for safeguarding very seriously.

The Chair noted that there was a reference in the report to the creation of a new brokerage team and asked for further information about this. The Strategic Director explained that when a social worker identified a need for a placement, the search would be given to the brokers who had knowledge and understanding of what was available. In doing so, the brokers took the administrative process away from the practitioners. The Strategic Director offered to bring a report back to the Scrutiny Commission in approximately six months' time when it was known how the new system was working.

AGREED:

- 1) that information about safeguarding be made available in community centres, on the Council's website and circulated to Ward Councillors to enable better understanding; and
- 2) for a report relating to the new Brokerage Team be brought to the Commission in approximately six months' time.

54. EXTRA CARE HOUSING

The Strategic Director for Social Care and Education submitted a report that provided the Commission with an update on the development of two Extra Care schemes in the city. Members heard that work on two Extra Care schemes was due to commence in January 2019 and the schemes would provide an opportunity to place more people in supported living. The Director of Adult Social Care and Commissioning commented that there would still be a shortfall of available accommodation and it was hoped to replicate the schemes going forward. The Strategic Director said that there were complexities in trying to find private funding as there was no funding from the Government.

The meeting heard that there was some money for major adaptations for people with disabilities but there was a vast amount of housing stock that had limitations as to the type of adaption that could be made. Some houses were too small for a person who needed an electric wheelchair, but it was hoped that the new Housing Company would help to improve these standards. The Strategic Director referred to a case where it had taken 18 months to find one property that could be adapted to meet the needs of a young person with disabilities.

The Chair drew the discussion to a close and the following recommendations were agreed:

AGREED:

- 1) that the report be welcomed;
- 2) that the Housing Scrutiny Commission be requested to ask the New Housing Company whether some of their properties would have a higher specification for Extra Care and for the Strategic Director to talk to the Director of City Development and Neighbourhoods about reviewing those design specifications to ensure they were fully wheelchair accessible; and
- 3) that a further update being brought to a future meeting of the Adult Social Care Scrutiny Commission.

55. DISABILITY RELATED EXPENDITURE (DRE) CONSULTATION FINDINGS

The Director for Adult Social Care and Safeguarding submitted a report that provided the Commission with details of the findings of a 12 week statutory consultation on proposals to change the treatment of Disability Related Expenditure (DRE) as part of the means test for Adult Social Care support. The Director said that helpful comments had arisen from the consultation and she confirmed that people who had expenditure above the standard rate could have this taken into consideration and reflected in their individual financial assessment. The Strategic Director added that the DRE had nothing to do with an individual's Care Act assessment of need, but it related to how much an

individual contributed financially towards their package of care.

Mr Smith, Healthwatch Leicester and Leicestershire said that there was a need to consider how this affected the individual, and to view the change as part of a bigger picture rather than in isolation. The Director responded that the inter relationship was recognised and added that two years ago, a consultation had taken place on a similar but broader proposal; the outcome of which was not to take a decision at the time but to consult again in the future. The consultation that had just taken place had taken on board the previous comments. .

A member suggested that the Commission accept the report and supported Option 3 which was to reduce the standard level of DRE from £20 to £10. He believed that people's dignity would not be impinged upon. Councillor Dempster, Assistant City Mayor for Adult Social Care and Wellbeing requested that the Commission made a formal decision, which would be reported back to the Executive.

AGREED:

that the Adult Social Care Commission support Option 3, to reduce the standard level of Disability Related Expenditure from £20 to £10.

56. PROPOSAL TO END THE SHELTERED HOUSING SUPPORT FUNDING TO REGISTERED SOCIAL LANDLORDS

The Chair announced that she was taking this report and the following item of business: 'Proposal to withdraw funding for the Acquired Brain Injury Outreach Service' together as they fell within the Spending Review 4 programme.

Councillor Dempster, Assistant City Mayor for Adult Social Care and Wellbeing, said that both the services were non statutory and were being cut, due to central government grant reductions, but importantly, the Registered Social Landlords were continuing to work with the Council. The Assistant City Mayor said that change was not always a bad thing and some of the changes that were being made, had been implemented several years ago in other parts of the country.

A Member commented that there was a need to modernise as there was less money to spend on services due to the spending cuts.

It was questioned if the service users understood what was happening as many were elderly and some might have little or no English. Members heard that meetings had been held with most of the service users and providers on site and interpreters were present to ensure people did understand what was happening.

Concern was expressed that in both this consultation and the one held in relation to the DRE, the Council was proceeding against the views expressed in the consultation. Where the council was forced to go against the views expressed, it was questioned whether it would be difficult to encourage people to participate in future consultations. The Strategic Director responded that if

they could not deliver what people wanted; there could still be some engagement and at times, changes were made resulting from the consultation. However, it was regrettably, no longer possible to continue to fund all that had been funded in the past.

The Chair referred to the Equality Impact Assessment and questioned whether there were any plans to engage with the Lesbian, Gay, Bisexual and Transgender (LGBT) Community. The Strategic Director explained that they were protected characteristics and people were assessed not on those, but on their presenting needs. That group might look to be under represented, but people were under no obligation to provide information as to where they sat regarding protected characteristics.

The Chair noted that Headway was under used and questioned whether funding could be reduced rather than withdrawn; concern was expressed that those individuals with needs might go unnoticed or get missed. The Strategic Director explained that this would not happen; the individuals affected had very low-level needs and were not vulnerable. The Chair reiterated that the Commission wanted to ensure that no one missed out and that everyone received the best care.

A Member commended the officers who had carried out the Equality Impact Assessment adding that it would have taken a considerable amount of work. There was some discussion about offering surveys in different community languages and the Director explained that corporately, a decision had been made not to translate; however, the authority provided an interpreter at consultation events as appropriate.

AGREED:

- 1) that the Adult Social Care Scrutiny Commission approve the proposal to end the Sheltered Housing Support Funding to Registered Social Landlords;
- 2) that the Adult Social Care Scrutiny Commission approve the proposal to withdraw funding for the Acquired Brain Injury outreach service;
- 3) that the Commission be kept informed on plans to ensure that language and access needs are fully considered within the spending reviews.

57. PROPOSAL TO WITHDRAW FUNDING FOR THE ACQUIRED BRAIN INJURY OUTREACH SERVICE

Members had considered this report along with the previous item: Proposal to end the Sheltered Housing Support Funding to Registered Social Landlords and no further discussion on this item took place.

58. FUTURE OF THE DISABLED PERSONS SUPPORT SERVICE

The Chair announced that she would take the report on the Future of the Disabled Persons Support Service (DPSS) and the following item of business, the report in the Procurement of a new Participation Service together.

Mr Micheal Smith having declared a prejudicial interest withdrew from the meeting for the consideration and discussion on these items of business.

The Strategic Director for Social Care and Education submitted a report that sought to end the DPSS held by the Leicestershire Centre for Integrated Living (LCIL) and replace it with a new participation service. The adjacent report relating to the procurement of a new participation service explained that the new service would ensure effective direct service user engagement to enable the co-production of local plans and strategies for Adult Social Care.

The Strategic Director explained the Care Act required the authority to engage directly with individuals in the development of services and the new organisation would provide the support needed to ensure people were able to participate in the co-production of services. Members heard that the new service should be in place by April 2019.

A Member asked that consultations should be easy to understand and avoid the use of acronyms.

The Chair drew the discussion to a close. Members gave their support to the proposals and asked for updates on the new participation service to be brought back to the Commission.

AGREED:

- 1) that the Adult Social Care Scrutiny Commission support the proposals to end the Disabled Persons Support Service contract;
- 2) that the Adult Social Care Scrutiny Commission support the proposals to procure a new participation service;
- 3) that a short update on the new participation service be brought back to the Commission in October 2019 and a more detailed report in April 2020.

59. PROCUREMENT OF A NEW PARTICIPATION SERVICE

Members had considered this report along with the previous item: Future of the Disabled Persons Support Service and no further discussion on this item took place.

60. ADULT AND SOCIAL CARE SCRUTINY COMMISSION WORK PROGRAMME

Members considered the Adult Social Care Scrutiny Commission work programme.

A Member asked for the Commission Members to be given sight of relevant consultation documents prior to them being put into the public domain. A request was also made for consultation documents to be sent to Doctors' surgeries. The Commission agreed to add this as a recommendation.

The Strategic Director suggested that as a Government Green Paper was expected, a further meeting of the Commission be arranged. This could be cancelled if the Green Paper was delayed.

AGREED:

- 1) that the Adult Social Care Scrutiny Commission work programme be noted;
- 2) that an additional meeting of the Commission be arranged to discuss the Government Green Paper;
- 3) that Commission Members be given sight of relevant consultation documents prior to them being put into the public domain, and for those consultation documents to be sent to Doctors' surgeries.

61. CLOSE OF MEETING

The meeting closed at 8.18 pm.

Minute Item 51

Please ask for: Tracie Rees
Direct Line: 0116 454 2301
E-mail: tracie.rees@leicester.gov.uk
Ref: TR/JLW



13 December 2018

Ms Sue Cowling
Chief Executive
Norton Housing and Support
107 Newport Street
Leicester LE3 9FU

Dear Sue

Re: Adult Social Care Scrutiny Commission - 4th December 2018

Further to your e-mail dated 3rd December 2018, regarding Appendix E and the current ILS consultation. Your correspondence stated that you believed the paper to be inaccurate and a misrepresentation of the Norton Housing and Support and misleading. You also asked for several sections to be retracted.

At the above meeting, Cllr Cleaver (Chair) agreed that Alison Morley (Norton Housing and Support) could explain to the scrutiny commission why Norton Housing and Support believed that the information contained in the report was inaccurate and a misrepresentation. Following Alison's explanation, Cllr Cleaver also agreed that a response would be provided in writing by the Council addressing each of the following points.

- Reference to information gained from service user assessments carried out in January 2018, which we were told was not being used to inform the current proposals - paragraphs 4.6 and 4.10
- Reference to tenancy and licence agreements - paragraph 4.8
- Reference to additional charges for support by NH&S - paragraph 4.9
- Reference to charges to tenants not being payable under the new service - paragraph 4.9
- Reference to NH&S's lack of an alternative proposal - paragraph 4.9
- Reference to the costs of our Housing Benefit proposal and apparent reliance on additional charges - paragraph 4.9

4.6 To clarify: The assessments undertaken in March 2018 were driven by the last commissioning review. The purpose was to indicate the level of non-statutory need under the current contract, how long people had been resident at these services and whether there were opportunities to move on.

In relation to the current consultation, the assessments demonstrated the need for ongoing support for existing clients. If the assessments had not been used to inform the proposal, then it is likely that the proposal would have been to end the funding in its entirety. We do however note that these assessments indicate a lower level of need.

4.8 To clarify: Norton Housing and Support have asked us to make clear that they are the managing agent on behalf of two Registered Social Landlords (RSL) and as such the tenancy arrangement responsibility lies with the RSLs. As noted the RSLs at the time of the engagement indicated a willingness to review this if the proposal to consult was agreed. Regardless of who makes the decision relating to the type of tenancy, the City Council is concerned that the majority of tenants who have lived in the various schemes for a number of years have a licence agreement, which offers no security of tenure and is deemed to be unacceptable.

4.9 To clarify:

Sentence/line 1:

This states that one of Support Providers is supportive of the proposals.

To clarify: this should read that they are supportive of the approach to consult, as they understand the local authorities position, which may lead to the early termination of the contracts.

Sentence/line 2 and 3:

In the engagement period one of the providers (Norton Housing and Support) asked the Council to delay the start of the consultation in order that they could put forward an alternative proposal.

To clarify: The proposal put forward was to utilise housing benefit via the intensive housing management charge, which would operate in parallel to the proposal currently being consulted upon. This would mean two support services working with the same group of tenants leading to the duplication of efforts and potential conflict and confusion for tenants. This model was also specific to Norton House Schemes (as set out in your letter of the 3rd August 2018) only and not felt to be an alternative option.

Sentence/line 3:

This talks about a charge that places an additional payment of £60 per tenant towards the cost of support.

To clarify: this charge relates to ineligible housing benefit costs including food, a contribution towards the Healthy Living Co-ordinators post, non-communal gas and electricity, water, TV licence, management of ineligible services, social activities, trips and volunteers.

The paper goes on to say that if the new model is introduced the Council would look to end the additional payments from tenants, this would include the charge made for food, social activities, management of ineligible services and the cost of the Healthy Living Co-ordinator. The key aspect of the new model is to promote independence, which includes supporting/encouraging individuals to buy and cook their own food.

It is estimated that this will save each tenant in the region of £45.00 per week. However, it is accepted that tenants will still have to pay for some ineligible charges, such as a contribution towards the gas, electricity, water and TV licence.

To clarify: this is the Council's intention but will require discussion with the respective landlords where this charge is in place.

I hope this has clarified the Council's position and I believe the information presented in the scrutiny report was factual and it is certainly not our intention to misrepresent Norton Housing and Support.

Yours sincerely



Tracie Rees

Director – Adult Social Care and Commissioning
Social Care & Education